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SHAW-WALKER 18-12360

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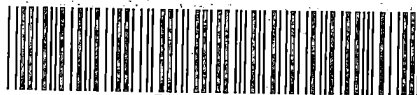
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INVESTIGATION

Bureau File Number

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PENDING LITIGATION

See also Nds. 216, 124, 148, 167, 296

249

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277B

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167

(Mount Clipping in Space Below)

Sirhan Jury Reached Verdict on 4th Ballot 2 Held Out For Life At First

Jurors handed down a verdict of death for Sirhan Bishara Sirhan because they considered his June 5 murder of Sen. Robert F. Kennedy a "heinous, cold-blooded act."

Juror No. 1, George Stitzel, 57, press room foreman for a Los Angeles newspaper, said the jurors cast four ballots before they reached their unanimous verdict which was announced in the Hall of Justice courtroom at 11:35 a.m. yesterday.

The first vote, taken Monday afternoon, was eight for death, two for life and two undecided, he said. The second ballot Tuesday was 10 for death, two for life. A third ballot yesterday morning was 11-1 and was quickly followed by the unanimous vote for death.

Stitzel said the same two jurors who argued for the life sentence also held out last week for a verdict of second-degree murder.

The jury, poring over more than 200 pieces of evidence and reams of their own notes which they took diligently throughout the 15-week trial, deliberated 16 hours and 44 minutes before handing down the verdict of first-degree murder last Thursday.

They debated the penalty verdict 11 hours and 45 minutes, see-sawing between life and death.

He said they considered Sirhan mentally ill but to an insufficient degree for a second-degree murder verdict.

"As long as California has capital punishment, this man deserved death," Stitzel said. "I think he was a cold-blooded murderer."

Stitzel replaced juror Ronald Evans April 14 after Evans left the trial to attend his father's funeral in Alton, Ill.

The jury, which has been sequestered in the Biltmore Hotel since Feb. 12, gathered for a final time in their recreation room in the hotel yesterday following their court announcement.

They sent out for coffee and

sandwiches and took their time to pack and depart.

Juror Gilbert F. Grace, greeted by his wife, Theresa, echoed Stitzel's comment that there was no doubt in his mind that Sirhan deserved the death penalty on the basis of the evidence presented.

"It was a real ordeal," he said. "I'm glad to be going home."

Chief reason for the death decision, Stitzel reiterated, was, "the gravity of the crime. The cold-blooded murder of an individual. A planned murder."

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
Los Angeles,
Calif.

Date: 4-24-69
Edition: Night Final
Author:
Editor: Donald Goodenow
Title: Kensalt

Character:

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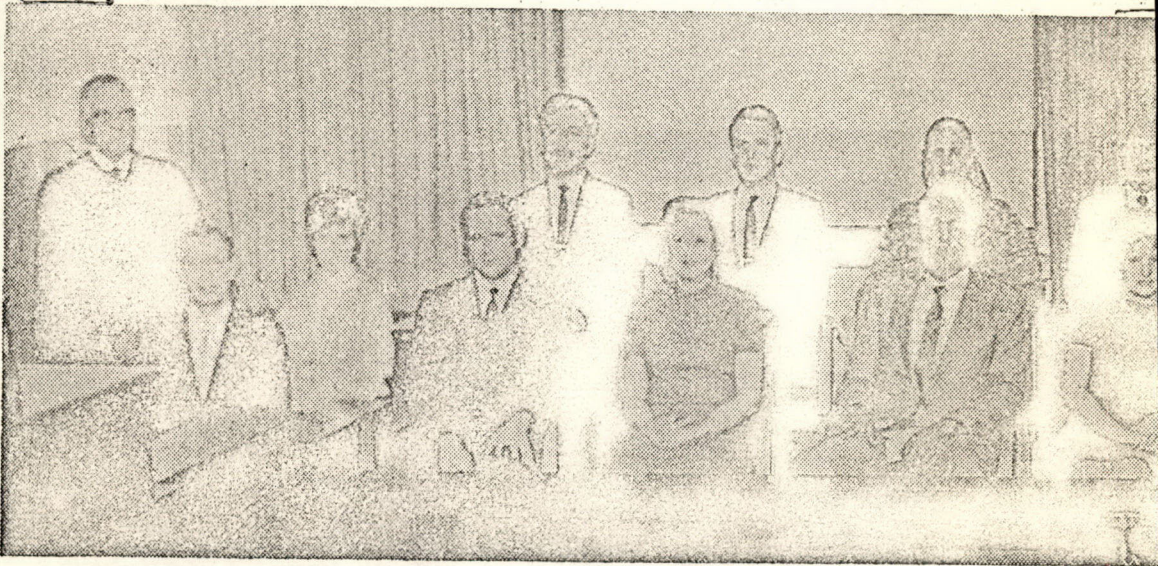
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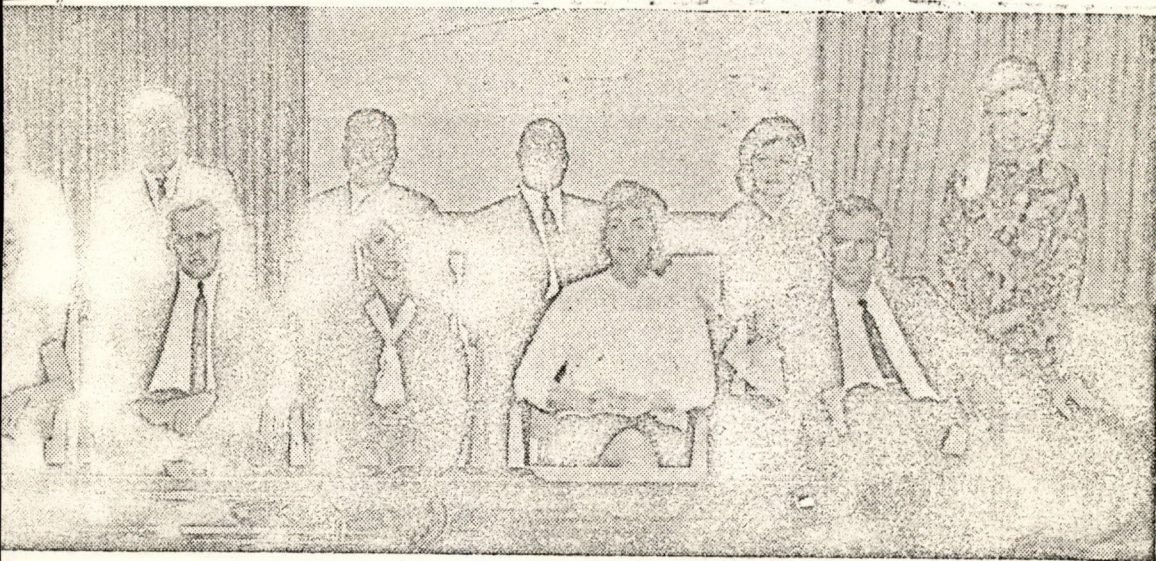
Herald-Examiner Photo

JUROR GEORGE STITZEL TALKS OF DECISIONS
~~He and others ended assignment with death verdict~~



THESE ARE THE JURORS who heard the Sirhan Bishara Sirhan case. From left, front row: George Stitzel, alternate; Ronald Eyans, replaced by Stitzer when Evans'

father died; Susan Brumm, Albert Frerericco, Mary Lou Busby, Lawrence Morgan, replaced due to illness; Irma Martinez, Eleanor Landgreen, alternate; Clarence Yaw, al-



ternate. Rear row: Ruth Stillman, alternate who replaced Morgan; Alphonsi Galindo, Bruce Elliott, foreman; Neil Bortells, Benjamin Glick, Gilbert Grace, George

is, John Johnson, alternate; and Gloria Haffey, alternate. Judge Herbert Walker is at far left, Court Clerk Alice Nishikawa is

2025 RELEASE UNDER E.O. 14176

(Mount Clipping in Space Below)

INVESTIGATION, TRIAL COST \$1 MILLION

~~Costs of condemned assassin~~ Since Dec. 15, Pasadena has Sirhan Bishara Sirhan's arrest, spent approximately \$1000 main-subsequent investigation, security, trial and conviction for the murder of Sen. Robert F. Kennedy have soared to nearly \$1 million.

By the time the Superior Court jury arrived at its death verdict to end the penalty phase of the trial yesterday, more than \$900,000 had been spent by the City and County of Los Angeles and The city of Pasadena since Sirhan's arrest last June 5.

Costs continued to mount today as Sirhan's attorneys prepared to appeal the first-degree murder conviction and the death penalty verdict.

Taken to Rampart Police Station after the early morning shooting, which killed Kennedy and wounded five others, Sirhan was questioned, arraigned and transported to Los Angeles County Jail. The county modified a cell to provide the prisoner maximum security, and the bill for the remodeling job came to \$1602.

Pasadena Police, upon learning Sirhan's identity, immediately established a 24-hour guard on Sirhan's family residence. This safeguard for his family was maintained until last Dec. 15 at a cost of \$27,803.

An additional \$2500 is the estimated cost of supervision of the on-duty guards.

Pasadena also estimates the city spent almost \$3500 in investigations of the Sirhan family and the convicted killer.

Pasadena police claim an expenditure of \$3025 in transportation costs to drive the Sirhan family to consultations with defense attorneys and to court activities involving Sirhan.

Kennedy's autopsy cost the county coroner's office \$2760.

An entire wing of the Hall of Justice jail was remodeled for Sirhan, as was a courtroom. Total cost for the two projects was \$59,845.

From June through the penalty trial's conclusion yesterday, the district attorney's office spent approximately \$140,000 in salaries and special investigations.

More than \$25,000 has been spent for room and board for the jury at the Biltmore Hotel, jury salaries (\$5 a day for each juror) and guards for the jury.

Transcription of the trial has cost more than \$15,000. Los Angeles police investigation of the case cost an additional \$208,823 as of Feb. 18, according to Police Chief Tom Reddin.

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(Mount Clipping in Space Below)

Sirhan's First Day in Sun May Be His Last

By MYRNA OLIVER

Herald-Examiner Staff Writer

Pallid and drawn, Sirhan Bishara Sirhan has not seen the sun for 10 months.

He soon will—on his way to the California Medical Facility at Vacaville or to death row at San Quentin prison.

A jury of seven men and five women yesterday decreed that the 110-pound murderer of Sen. Robert F. Kennedy should die.

After he is formally sentenced by Superior Court Judge Herbert V. Walker, who presided over his 16-week trial, Sirhan will probably be taken to San Quentin from his isolated cell on the 13th floor of Los Angeles' Hall of Justice. Judge Walker could reduce Sirhan's sentence to one of life imprisonment, which the diminutive gunman would serve in Vacaville.

Even if the ultimate sentence is death, Sirhan may still spend but a short time in San Quentin where he would be scheduled to die in the state's apple-green gas chamber.

A bill now pending in the California State Legislature would allow Sirhan to await his death in a special three-room suite already constructed for him at Vacaville.

The three cells, constructed for Sirhan at a cost of \$2700, include living quarters, a visitors' room, and a shower room with hot and cold running water. They were built to provide maximum security for him if he had been given a sentence of life imprisonment.

Philip D. Guthrie, spokesman for the State Department of Corrections, indicated the department hopes the legislature grants permission to house Sirhan at Vacaville while he awaits the death penalty.

if he goes to Vacaville," he said. basin, three steel shelves, a table and a stool. All are unmovable.

Special protection is needed for Sirhan because authorities say it is dangerous for him to be mixed with hardened prisoners who have violent feelings about the assassination of the New York senator.

Guthrie, who said many prisoners—including informers, homosexuals and former police officers—remain in protective custody at all times, added in an understatement:

"The prison population is probably more inclined toward violence than the general population."

He said the "really unprecedented notoriety" of Sirhan's case had caused the state to seek special protection for him.

View from the three-cell incubator includes a parking lot, a green field and a distant coastal range of mountains.

Sections of the suite on the third floor of the maximum security facility half-way between San Francisco and Sacramento are nine feet by six feet and each contains a cement slab bed and a combination sink-commode.

If the legislature refuses to approve the special incarceration of Sirhan and if his death sentence stands, he will soon move to a much grimmer habitat on "Death Row Number One" at San Quentin.

Associate Warden James Park said Sirhan would be assigned a cell on the sixth floor of the maximum security prison near San Francisco.

That cell, 11 feet long, 4½ feet wide and seven feet high, contains a simple bed, toilet, wash-

basin, three steel shelves, a table and a stool. All are unmovable.

"We'll treat him exactly like every other convicted murderer," said Park. "We have the ability to keep him securely. We don't get too fussed about these things."

The cell, illuminated by natural light from a tiny barred window too high to see out of, is a scant 125 feet from the octagonal room where Sirhan may one day inhale deadly cyanide fumes.

Seventy-nine men are now on Death Row at San Quentin awaiting death. One woman, also sentenced to die, is in the Woman's Reformatory at Corona.

California last executed a convicted murderer in 1967—Aaron Mitchell, who killed a policeman. The last execution before that was in 1963.

Even if he is sent to San Quentin, Sirhan's new quarters will be less grim than the cell in which he has lived since his indictment for murder in the grey, aging Hall of Justice in the middle of Los Angeles Civic Center.

No light filtered in from any windows. He exercised in a heavily-guarded hallway.

Sirhan stood in that colorless cell yesterday, clad in T-shirt and shorts, staring into a mirror, combing his hair.

Deputy Frederick Davis, who has walked each of 66 days from the cell to the courtroom with Sirhan, interrupted him to tell him his jury had reached a verdict.

He

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SIRHAN: A LONG WAIT FOR DEATH?

JURORS' REPORT—How they stood on ballots:
Page 3.

MILLION DOLLAR TRIAL—How the costs
mounted: Page 3.

"BIG Q" OR VACAVILLE?—The cell awaits:
Page 3.

BY JOHN DOUGLAS

Herald-Examiner Staff Writer

Sirhan Bishara Sirhan, convicted murderer of Sen. Robert F. Kennedy, today awaits a date with death, but appeals and legal maneuvers will keep the young Arab from the gas chamber for months and even years—and in the end he may never be executed.

Sirhan's jury of seven men and five women doomed the 25-year-old slayer to San Quentin's apple-green gas chamber yesterday, because, one of them disclosed, they viewed the June 5, 1968 Ambassador Hotel slaying as a "heinous and cold-blooded act."

Throughout its 11-hour, 45-minute deliberation, Juror George Stitzel said, a majority of the 12 stood for death. First vote was eight for the gas chamber, two for life imprison-

ment and two undecided. The undecided were quickly converted to the death view and full agreement came shortly before 11 a.m. yesterday. The holdouts had voted for life, Stitzel said, "because they thought it was a greater punishment than death."

Sirhan calmly chewed gum as his fate was read to him by Mrs. Alice Nishikawa, clerk in the court of Superior Judge Her-

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bert V. Walker, where his 16-week trial took place.

Then Judge Walker quickly ordered him sent back to the Hall of Justice isolation cell where he has been held since shortly following his indictment June 7, 1968.

Sirhan's next date in court is May 14. Judge Walker will formally sentence him to death then and also hear his chief defense counsel, Grant B. Cooper, argue for a new trial in the case.

Cooper announced shortly after the verdict that he would seek the new trial on the basis of errors he claims the judge made during the lengthy trial.

Two of these, the grizzled defense lawyer said, were:

- The judge's refusal to dismiss the indictment against Sirhan after Cooper charged that the grand jury which returned it was unrepresentative.

- Walker's denial of defense attempts to let the jury know that Dist. Atty. Evelle J. Younger had once agreed to let the young Arab plead guilty to first-degree murder in consideration of a guaranteed life sentence.

This will be but the first of a long series of moves on Sirhan's behalf. Under the law, the California Supreme Court must automatically review the death sentence. There is also every indication that Cooper and his associate, Russell E. Parsons, will carry the case to the U.S. Supreme Court.

Appeal time could easily run several years and be further lengthened by stays of execution.

Judge Walker also has the power to reduce the jury's verdict to life imprisonment. This is considered unlikely. Walker has handled 19 death penalty cases in his more than 16 years on the bench. In only one of these cases has he reduced the verdict.

Cooper made it clear yesterday he would spearhead the fight to save the life of the convicted slayer. He said:

"No matter what happens I've got to go forward."

Sirhan was taking his doom well, Cooper said.

"He did not seem near tears. Tears were in the eyes of Michael McCowan (chief defense investigator) and me. He — Sirhan — had to reassure us."

Another of Sirhan's advisors, Arab Attorney Issa Nakhleh, forecast international repercussion from the death verdict.

He said: "I think there will be serious repercussions in the Arab countries."

"I myself am very disappointed. I think the judge was fair. I think the trial was fair. I do not think the jury was fair."

Nakhleh is director of the unofficial Palestinian-Arab delegation to the United Nations. He was joined to the defense staff in mid-case at Sirhan's request. He is a member of the British bar.

Adel Sirhan was the only member of the defendant's family present in court when the

verdict was read. The 30-year-old brother of the convicted murderer was ashen-faced following the verdict.

"Nothing . . . nothing," he murmured to the newsmen who crowded around him.

At the Sirhan family home on Pasadena's tree-lined East Howard Street, Mrs. Mary Sirhan, the defendant's mother, learned of the death verdict from another son — Munir, 21.

She went into seclusion. Munir said the family would have no comment.

Defense and prosecution lawyers agreed the death verdict was in part a reaction to this nation's current climate of violence.

Chief Dist. Atty. Lynn D. Compton, who headed the prosecution, commented.

"This puts people on notice that we simply cannot tolerate this kind of solution (assassination) to political and social problems."

Cooper concurred:

"There is an underlying and overriding feeling in the community and in the whole United States on law and order.

"The jurors felt it was up to them to do their duty to uphold the law fully."

But Cooper disagreed violently with Compton's claim that death for Sirhan would be a deterrent to other potential political assassins.

His voice filled with anguish, he cried out to newsmen:

"Do any of you or any of you who will hear my voice think this will act as a deterrent to the kind of crazy mind that assassinates public figures? Assassination has happened before. It will happen again . . . but only from those who have warped and diseased minds.

"I had hoped this circle of violence would end here. It didn't."

Sirhan's defense had been that he was of such impaired mental capacity he could not have "meaningfully and maturely premeditated and carried out" the murder.

A battery of psychiatrists and psychologists testified on the young Arab's behalf. But Stitzel revealed that much of their testimony was disbelieved by the jury.

He also disclosed that the jurors believed Sirhan lied when

he took the witness box on his own behalf and claimed he could not remember the shooting, nor writing threats against Sen. Kennedy in diaries seized at his Pasadena home following the shooting.

The defendant himself, Cooper disclosed, was satisfied with his defense. The lawyer said Sirhan told him:

"Even Jesus Christ couldn't have saved me."

The verdict brought to an end a murder without mystery in which Sen. Kennedy was fatally shot at 12:05 a.m. June 5, 1968 as he greeted well wishers in a pantry off the Ambassador Hotel's Embassy Ballroom. The shooting followed hard on the heels of the New York Senator's victory in the California presidential primary.

Sirhan lay in wait for his victim and shot him as he leaned forward to shake hands with a hotel employee.

Using a bargain-basement pistol, the young Arab shot Kennedy at almost point blank range. In the melee that followed, five other persons were also shot. Sirhan was tried and convicted of assault with a deadly weapon with intent to commit murder in those cases.

His other victims were:

Mrs. Elizabeth Evans, Saugus housewife; Paul Schrade, United Auto Workers Union official; Washington newsmen William Weisel; Ira Goldstein, a local radio news reporter, and teenager Irwin Stroll, a Kennedy campaign worker.

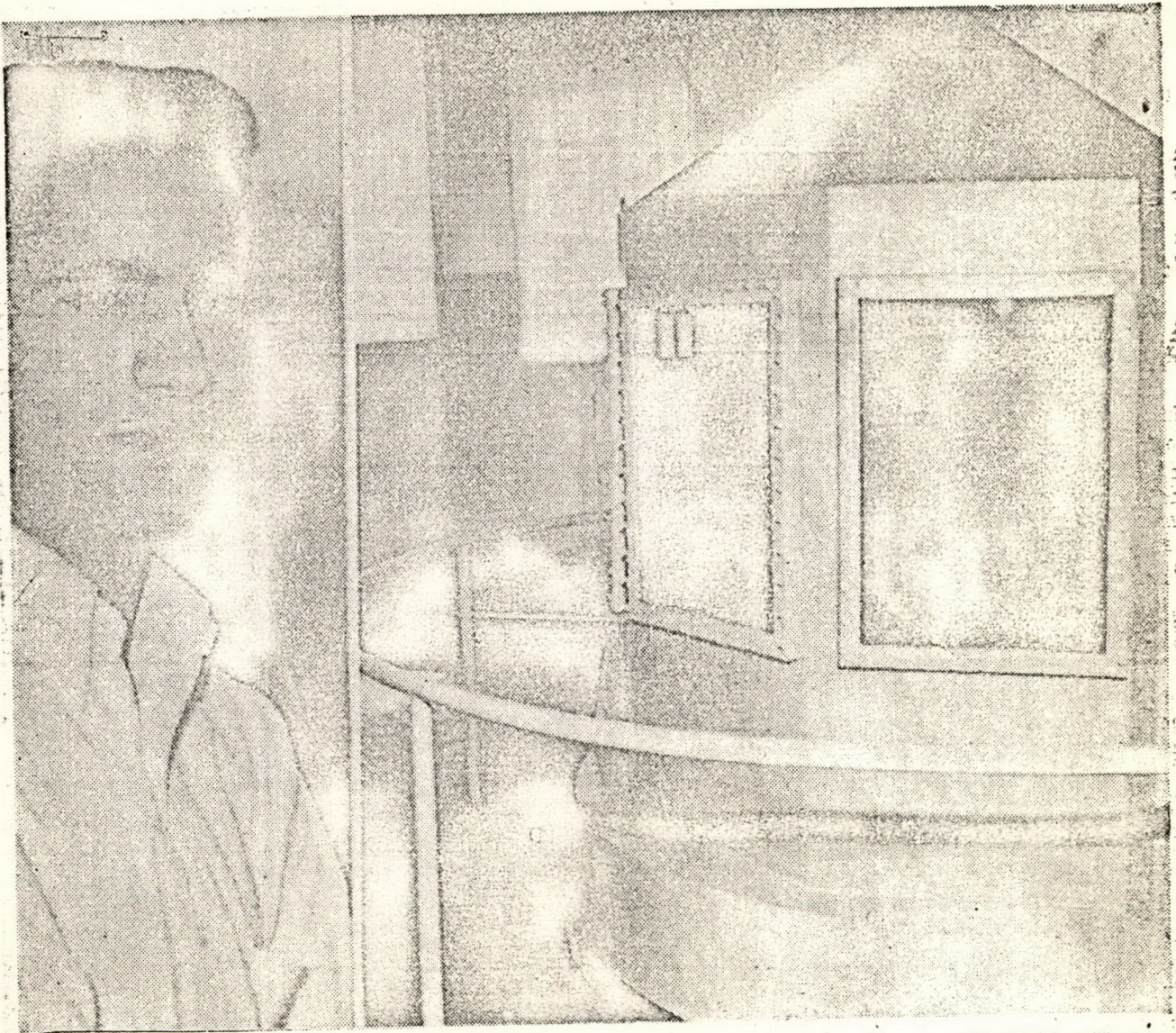
They all recovered, but Kennedy never had a chance.

Sirhan had shot him at almost point-blank range firing a .22 calibre soft nosed bullet into his right ear. The slug lodged in the Senator's brain.

Kennedy was rushed to Central Receiving Hospital and then transferred to Good Samaritan Hospital where he underwent lengthy and futile brain surgery. At 1:44 a.m. June 6, 1968 he died.

Sirhan was captured at the scene. A phalanx of Kennedy campaign workers wrestled him to the ground and held him until police arrived.

When first arrested, Sirhan refused to give so much as his name to interrogators. He was arraigned as John Doe until identified by his brothers.



—Associated Press Wirephoto

APPEALS EXPECTED TO DELAY SIRHAN TRIP TO SAN QUENTIN'S GAS CHAMBER
No one has been executed in U.S. since 1967 and under state law legal steps could delay or alter sentence

(Mount Clipping in Space Below)

Man Struck by Sirhan Bullet Deplores Verdict

Says Death Penalty Ruling Is Similar to
Slayer's Own Act; Unruh Also Regretful

Paul Schrade, most seriously wounded of five persons cut down in the gunfire that killed Sen. Robert F. Kennedy last June, was sharply critical of the death verdict returned Wednesday against convicted assassin Sirhan Bishara Sirhan.

Schrade, United Auto Workers' western director and one of Kennedy's campaign workers, suffered a skull fracture in the shooting and spent months recovering.

Informed of the jury's death verdict, Schrade issued this statement: "The death penalty for Sirhan Sirhan is deplorable, and will not bring back Bob Kennedy. The jury's decision, deliberately and consciously made, rivals Sir-

han's own terrible decision.

"There's enough killing and violence in America today, and to execute Sirhan in the name of the people of California is inhuman and unnecessary when a life sentence in prison is available."

Schrade's reaction was echoed by Assembly Democratic leader Jess Unruh, another Kennedy supporter, who witnessed the slaying but was not injured.

"The great memory of Robert F. Kennedy—his concern for the poor, the afflicted, his identification with the less fortunate, and his deep love for all people—will not be served by yet another violent death," Unruh said.

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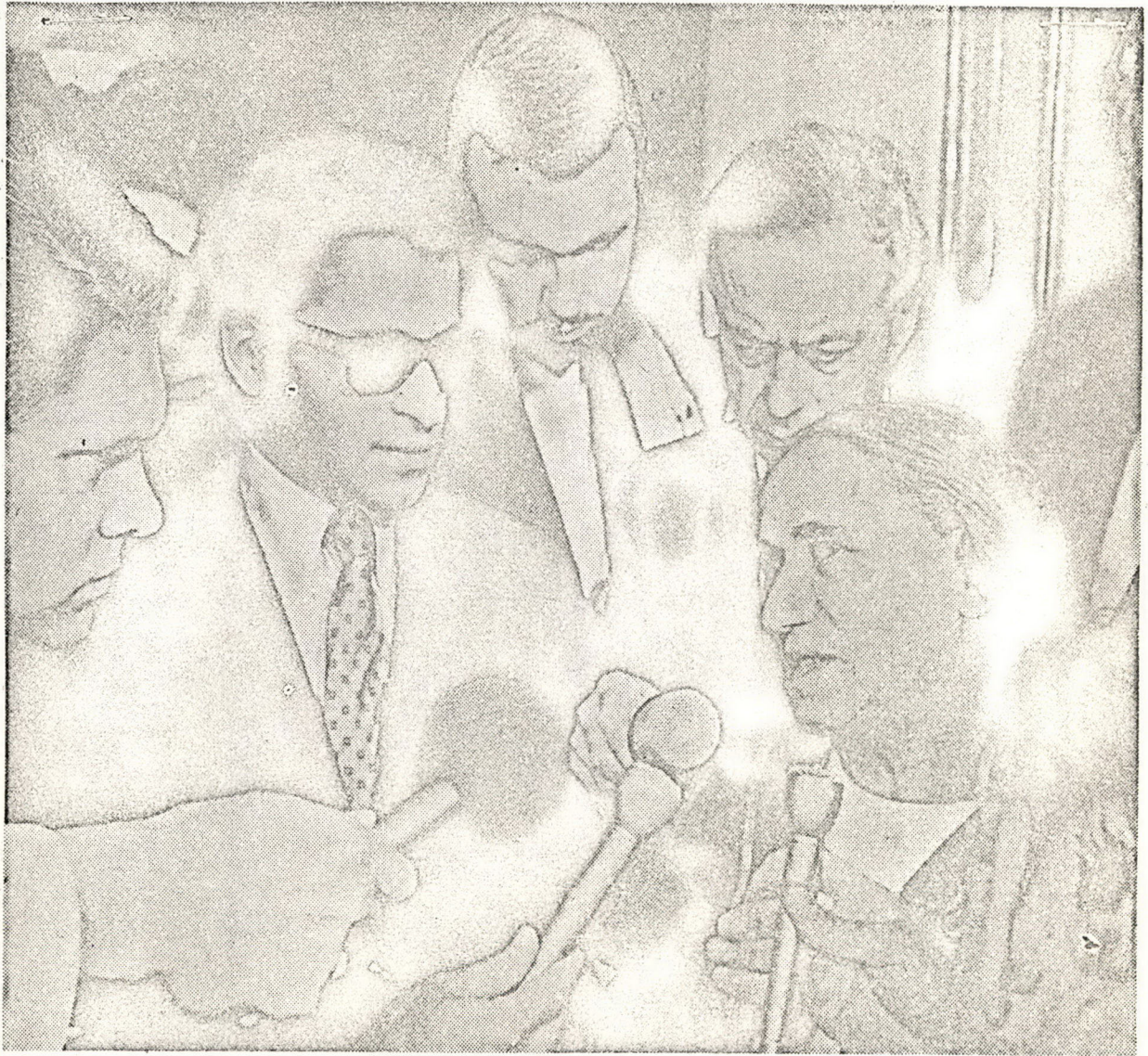
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HER SON SENTENCED—Mrs. Mary Sirhan meets newsmen outside the hearing room where her son,

Sirhan Bishara Sirhan, was sentenced to death. At the left, in dark glasses, is another son, Munir.
Times photo by John Malmin

(Mount Clipping in Space Below)

MANY APPEAL ROUTES OPEN

Sirhan Date With Death Distant--if Ever

BY DAVE SMITH

Times Staff Writer

If condemned assassin Sirhan Bishara Sirhan ever keeps his rendezvous with death in the apple-green gas chamber of San Quentin Prison, it won't be for a long time.

A multitude of legal avenues are open to Sirhan's defense which could ultimately prevent the death penalty, and which surely will postpone it.

The first will be taken at a hearing May 14 when defense attorney Grant B. Cooper argues for a new trial for the convicted killer of Sen. Robert F. Kennedy.

If the new trial is denied, Superior Judge Herbert V. Walker will then formally impose sentence on the 25-year-old Palestinian Arab. Judge Walker, at his own discretion, could reduce the jury's verdict from death to life imprisonment, but he has done so only once in 19 previous first-degree murder convictions.

Cooper's motion for a new trial will be based, he said, on three grounds:

1—That Judge Walker committed judicial error in rejecting a defense-prosecution agreement on a guilty plea with life imprisonment.

2—That the grand jury which indicted Sirhan was unconstitutional by virtue of its ethnic and racial imbalance.

3—That the seizure of Sirhan's personal notebook and its introduction into evidence was "a grave error of constitutional dimensions."

If Judge Walker rules against these arguments, they can nonetheless serve, along with other motions that Cooper has indicated he might introduce, as the basis of further appeals.

Under California law, all death penalty verdicts are subject to automatic appeal before the California Supreme Court. Cooper has said it would be at least a year before this appeal would be resolved by the state's high court, and even in the course of this appeal, arguments will

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be introduced which will serve as the basis for appeal of any adverse ruling. The most likely argument, expected to be joined in by the American Civil Liberties Union as a friend of the court, is the increasingly frequent contention that the death penalty itself is unconstitutional — a violation of the 14th Amendment, which prohibits "cruel and unusual punishment."

If the California Supreme Court is persuaded to the defense view, it cannot reduce the death penalty to life imprisonment, but it may reduce the first-degree verdict to second-degree murder, which then carries a prison term of five years to life.

If, on the other hand, the Supreme Court upholds the jury's verdict, two roads are then open to Cooper.

Any appeal based on constitutional grounds would be pursued through the federal court system, from district court to appellate court to the U.S. Supreme Court.

Any appeal based on a contention of judicial error could still be pursued through the state appeal courts system and back to the California Supreme Court on different grounds.

Chessman Cited

This process could preserve Sirhan's life for at least a decade. Executed rapist Caryl Chessman was able to forestall his execution for 12 years by exercising all possible appeals through all possible courts. He lost his battle and died in the gas chamber in May, 1960.

Efforts on Sirhan's behalf will be taking place in a climate of growing opposition nationwide to imposition of the death penalty.

Executions have markedly decreased in recent years and are virtually nonexistent now in 13 states. Alaska, Hawaii, Iowa, Maine, Michigan, Minnesota, Oregon, Wisconsin and West Virginia have abolished the death penalty altogether, and New York, North Dakota, Rhode Island and Vermont have so severely restricted its use that it is all but gone.

The last execution in the United States was that of Luis Jose Monge in Colorado on June 2, 1967.

In California, which now has 81 men in San Quentin's death row, the last man to die in the gas

chamber was Aaron Mitchell of Sacramento, on April 12, 1967.

It is not known what effect the current climate of U.S. political life — marked by student unrest at universities, urban rioting, the swing of the electorate toward conservatism and a growing concern over "law and order"—has had on public opinion on the death penalty. A few years ago, opposition to capital punishment had grown to the point where polls showed more than half the population disapproving of it.

Other Factor

One additional factor could serve to shorten the lengthy appeal process open to Sirhan—and thus shorten his life.

His three-man defense team represented him without fee throughout his 3½-month trial, and Cooper has said he will go forward with the case.

But how long can Cooper afford to do so? If no one underwrites the cost of Sirhan's defense or steps in to assist Cooper in an admittedly unpopular case, he could conceivably exhaust his own resources defending his unremorseful client.

(Mount Clipping in Space Below)

Justice and the Sirhan Trial

ISSUE: *The long and costly legal case has now come to an end. Were the rights of the defendant and society properly served?*

The jury that convicted Sirhan Sirhan of the willful and premeditated murder of Sen. Robert Kennedy has now determined that he should be executed for his crime. This is not, to be sure, the final word on the case. The law provides for an extensive appeals process, and at some point higher authority may commute Sirhan's sentence to something other than death in the gas chamber.

The long, costly and thorough trial which has just ended can properly be regarded as justice exercised as it should be.

Within our legal system this is not something that should cause special comment. Yet, in view of how other cases involving notorious political murders have recently been handled—one thinks of the Oswald-Ruby circus in Dallas and the abortive James Earl Ray trial in Memphis—the conduct of the Sirhan case is a source of some satisfaction.

Judge Herbert Walker's decision early in the proceedings not to permit Sirhan to plead guilty and thereby obviate a full trial was sound. The defense and prosecution had agreed on a plea of guilty to first degree murder, with an understanding that a life sentence would be imposed.

But Judge Walker said no. He wanted a full trial, with all evidence presented and all witnesses heard.

Sirhan thus had his day in court, and the requirements of justice were served. No grounds were provided for any charges of conspiracy or coverup that would predictably have resulted if the trial had been ended abruptly. Sirhan's rights were fully and scrupulously heeded.

Of equal importance, so were the rights of the People.

The jury's finding of first degree murder was based on overwhelming evidence of premeditation, and its imposition of the death penalty was in keeping with the law. In California the alternative penalty, life imprisonment, really is not that at all. Parole is possible within as few as seven years. Sirhan is not the sort of man most persons would want free in society again.

During the trial questions were raised, and remain, about Sirhan's mental state. The contradictory testimony of expert psychiatric witnesses did little to resolve these questions. What did emerge clearly is that Sirhan is a wretched and ultimately pathetic little man, who would have remained deservedly obscure except for the tragedy he caused. That tragedy cannot be erased.

One can only pray that others like it can be prevented.

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Sirhan Wins Delay on Date to Appear for Plea, Sentencing

BY RON EINSTOSS
Times Staff Writer

Sirhan B. Sirhan was in a seemingly good mood Friday as he appeared in court for the first time since a jury voted the death penalty for him.

Sirhan was taken before Superior Judge Herbert V. Walker to hear one of his attorneys, Grant B. Cooper, ask that the date set for arguments on a series of defense motions and formal sentencing be continued from May 14 to May 21. The request was granted.

The brief session in a makeshift courtroom on the 13th floor of the Hall of Justice—the same place many pretrial matters were heard—lasted only five minutes.

Sirhan was smiling much of the time. He grinned at the 40 spectators, about evenly divided between newsmen and security officers, and acknowledged his brother, Munir, the only member of his family present, by lip-speaking to him.

Both Counsel Visit Slayer

Both before and after court, Cooper and co-counsel Russell E. Parsons visited with the 25-year-old convicted slayer of Sen. Robert F. Kennedy.

Parsons told newsmen that Sirhan "feels pretty good" and that he is hopeful Judge Walker will either grant him a new trial or reduce his penalty to life in prison.

Cooper said, "He (Sirhan) is still holding up like a man" and said Sirhan objected to Dep. Dist. Atty. John E. Howard's penalty argument in which the prosecutor said he showed no remorse over his act.

According to Cooper, Sirhan said he "broke down and cried like a baby when he heard Kennedy had died."

None of the members of Sirhan's family have visited with him since the death verdict, but Parsons said he would arrange for Mrs. Mary Sirhan, his mother, to see her son on Monday "if she wants to come."

He said she was "stunned" at the verdict.

Cooper said he asked for the postponement because of a conflict in his calendar. The prosecution, represented by Dep. Dist. Atty. David N. Fitts, did not oppose the request.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles, Calif.

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Author: Ron Einstoss
Editor: Nick P. Williams
Title: Kensalt

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(Mount Clipping in Space Below)

The Sirhan Verdict: One Reader Discusses the Abortive 'Deal'

Your report (April 24) of the reaction by members of the Sirhan jury on learning that there was a life sentence deal between prosecution and defense and which was rejected by the judge prompts this letter.

While deals and compromises are clearly inadmissible in civil cases and on the question of guilt in criminal cases, I have the gut feeling that the California Supreme Court, and if not, the U.S. Supreme Court, will hold that it is a relevant admissible fact in the separate penalty trial.

And why not? If the jury can consider sympathy in the penalty trial although not in the primary trial, why can't the jury consider that the prosecution had agreed that there was sufficient doubt of the defendant's capacity to warrant only a life sentence and that the judge ruled that the jury should decide? Why should not the same question be left to the jury in the penalty trial? It did not have to agree, but it should have had the opportunity.

In this country, even a political assassin's life should not be taken by a ruling which does not give the defendant the benefit of the doubt and may make the difference between life and death.

BERNARD REICH
Beverly Hills

Congratulations to the Sirhan jury. It is hard to stand and be counted but they did it. Wouldn't it be great if our authorities would show the same courage? It might stop riots, destruction and chaos.

MYRA BYRNE
North Hollywood

Re: the Sirhan verdict: When are we going to stop using murder to fight murder?

SUSAN FORTSMAN
Northridge

the amount which the city administrative officer, the city controller and I have agreed upon as about the minimum reserve which it is prudent for us to maintain.

SAM YORTY
Mayor, Los Angeles

The Times editorial correctly noted that Mayor Yorty said in 1962 that the reserve fund should not be allowed to drop below 10% of the controllable expenditures. By that yardstick, the 1969-70 reserve fund would total \$34.8 million, rather than the proposed \$17.3 million.—Ed.

(Indicate page, name of newspaper, city and state.)

II-8 LA Times
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Rumors of Prison Retaliation Against Sirhan Disclosed

"He will be totally isolated," Guthrie said.

Guthrie noted that the 79 prisoners now on death row must walk across an open prison "yard"—a huge area where inmates get exercise—in full view of other inmates.

"It is right through the main compound — right through the entire population," Wilson said. He said Sirhan would be escorted "fore and aft"—in front and to the rear—by security guards and have special guards in his cell block.

SACRAMENTO (UPI) — An official of California's prison system has disclosed what he called "rumors" of possible prison retaliation against Sirhan Bishara Sirhan.

Lawrence E. Wilson, deputy director of the State Department of Corrections, told newsmen the hints were "nothing that you could put your finger on."

The prison official spoke with newsmen, yesterday after State Assemblyman Carlos J. Moorhead, Glendale Republican, dropped his bill to allow the state to put Sirhan in a special high security cell at Vacaville State Prison.

Sirhan, a Jordanian immigrant, was condemned to the San Quentin gas chamber last Wednesday in the assassination of Sen. Robert F. Kennedy, gunned down as he celebrated victory in California's 1968 primary election.

Philip D. Guthrie, spokesman for the Department of Corrections, told newsmen Sirhan would be confined at San Quentin.

At San Quentin, the state's maximum security prison north of San Francisco, the state plans to establish what Wilson called a "buffer zone" for Sirhan that would place him in the middle cell of three and keep the two on either side empty.

(Indicate page, name of newspaper, city and state.)

C-12 Herald Examiner
Los Angeles, Calif.

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(Mount Clipping in Space Below)

Sirhan Retains Cooper, Parsons as His Attorneys

Sirhan Bishara Sirhan said Monday he will stick with attorneys Grant B. Cooper and Russell Parsons, "and none other" to fight his conviction and death sentence for the murder of Sen. Robert F. Kennedy.

It was the first word from Sirhan himself in response to stories that celebrated San Francisco attorney Melvin Belli would handle Sirhan's appeal.

Belli was quoted Friday in Tucson as saying Sirhan's family had contacted him and, "They want me to do the appeal."

In a statement Monday released through Cooper, the convicted assassin said:

"I, Sirhan Sirhan, having full confidence in my present attorneys, Grant B. Cooper and Russell Parsons, members of the California State Bar, hereby engage them and none other to handle my appeal to the Supreme Court of the State of California and, if necessary, to the Supreme Court of the United States."

Witnessed by Adviser

The statement was signed by Sirhan and witnessed by Sheriff's Lt. Rudolph Berteaux and Baron Sarkces Nahas, an Arab who served as unofficial adviser to Sirhan's defense throughout his 15-week trial.

Sirhan's brother, Adel, 30, said Monday he and his mother, Mary, 56, had met with Belli once, but that the meeting had been indecisive. He said Belli had not been engaged either to assist or replace Sirhan's present attorneys.

Asked if the family was dissatisfied with Sirhan's defense, in view of his conviction, Adel Sirhan said, "No, we are not—not in any way."

He said it was his understanding that Belli's involvement in the case probably would be in filing a friend of the court brief. Belli himself was quoted earlier as saying he did not expect to participate personally in any further court sessions, but would probably restrict his efforts to a written appeal.

Belli was not immediately available for comment Monday.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
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ACLU Seeks to Enter Sirhan Case, Challenge Death Penalty

Attorneys for the American Civil Liberties Union asked Wednesday for permission to enter the Sirhan Bishara Sirhan case as friends of the court so they again can challenge the constitutionality of the death penalty.

In their request, A. L. Wirin, Fred Okrand and Laurence R. Sperber said they want to appear in the case, not out of concern for the life of Sirhan, but out of concern for "life" itself.

They noted they have appeared in court "frequently and consistently" in many cases, "no matter who the defendant or the nature of the offense for which he was convicted."

The ACLU attorneys contend that the death penalty is unconstitutional because it constitutes cruel and unusual punishment, because jurors are not given any guidelines upon which to base their verdict and because prospective jurors who op-

pose capital punishment are excluded from serving.

Sirhan is scheduled to appear before Superior Judge Herbert V. Walker for new trial arguments and sentencing next Wednesday.

The jury which heard his lengthy trial voted that Sirhan be given the death penalty.

Defense attorneys Grant B. Cooper and Russell Parsons also filed legal briefs Wednesday in support of their motion for a new trial.

Cooper has indicated he will seek a new trial on grounds that the grand jury that indicted Sirhan was unconstitutional and that Judge Walker committed judicial error in admitting into evidence the notebooks in which Sirhan wrote of his intent to kill Sen. Robert F. Kennedy.

The defense claims Sirhan's notebooks were improperly seized by police officers.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
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(Mount Clipping in Space Below)

Sirhan

Aided By

ACLU

Sirhan Bishara Sirhan, condemned murderer of Sen. Robert F. Kennedy, has received unsolicited help from the American Civil Liberties union which hopes to save him from the gas chamber.

The Southern California branch of the ACLU yesterday filed a friend-of-the-court brief with Judge Herbert V. Walker, who presided over Sirhan's 16-week trial, challenging the constitutionality of capital punishment.

ACLU attorneys said neither Sirhan nor his attorneys, Grant B. Cooper and Russell Parsons, had requested them to enter the case.

Sirhan's counsel have in the past resisted attempts of organizations to assist them in their fight for Sirhan's life.

Parsons said yesterday, however, "I would welcome their help. I feel their efforts are sincere."

"The ACLU has taken an active part in the death penalty fight right along," he told The Herald-Examiner. "I see no reason why they should be ruled out in this case."

Sirhan was condemned to death April 23 by a jury but has not yet been formally sentenced.

"Our present appearance," the ACLU document stated, "is prompted not out of concern for the life, as such, of this particular defendant; it is a concern for life itself."

The ACLU said "imposition of the death penalty for any crime is a denial of civil liberties."

"We believe that contemporary ideas of the significance of human life make imposition of the death penalty cruel and unusual punishment, which is prohibited by the constitution."

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
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(Mount Clipping in Space Below)

Sirhan in Court For Sentencing

By MYRNA OLIVER
Herald-Examiner Staff Writer

Sirhan Bishara Sirhan today faces formal sentencing for his murder of Sen. Robert F. Kennedy, in the final round of his Los Angeles County fight for his life.

A jury of seven men and five women brought in a death penalty verdict April 23, after finding Sirhan guilty of the first degree murder of Sen. Kennedy last June 5 in the Ambassador Hotel.

Judge Herbert V. Walker, who will pronounce sentence, has the authority to reduce the death penalty to life imprisonment, but is not expected to do so.

In his 16 years on the bench, the beetle-browed jurist has altered only one death penalty.

Future court battles will be fought at the state or national level.

Once the sentence of death has been pronounced, Sirhan will be moved to Death Row in San Quentin prison to await his death in the gas chamber.

The state legislature earlier refused special legislation which would have allowed Sirhan to await death in a three-cell compartment specially constructed for him at the Vacaville medical prison facility near Sacramento.

The cell was prepared for Sirhan in the event he received a life sentence.

Sirhan would under law be given an automatic appeal of the death sentence before the California Supreme Court.

Judge Walker, who presided

over the 16-week trial of the 25-year-old Arab immigrant, was expected to refuse request for a new trial for Sirhan offered by chief defense counsel Grant B. Cooper.

Cooper has said he would base the move for a new trial on grounds that Judge Walker erred in rejecting an agreement between defense and prosecution that Sirhan would plead guilty in return for a life sentence; that the Grand Jury which indicted Sirhan was not a true cross section of the community and therefore was unconstitutional; and that seizure of Sirhan's diary-notebooks from his Pasadena home and their introduction as evidence was unconstitutional.

Strongest ground appeared to be admission of the notebooks into evidence. Contained in the writings were threats against Kennedy's life.

Cooper contends the diaries were seized illegally because police officers did not have a search warrant and did not receive proper permission. Authorities said Sirhan's brother, Adel, told them they could search the house.

Judge Walker, however, ruled the notebooks could be used as evidence in the lengthy trial.

Cooper, prepared for denial of the new trial motion since the end of the trial a month ago, has vowed to carry Sirhan's appeals as far as the United States Supreme Court.

Attorney Russell E. Parsons has pledged his help, but Sirhan's third defense attorney, Emile Zola Berman of New York, bowed out of the case last month.

If Judge Walker sentences Sirhan to death today, it will still be months before the diminutive Arab is put to death. Appeals could take months or years.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
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(Mount Clipping in Space Below)

Judge Expected to Order Sirhan Death

BY RON EINSTOSS
Times Staff Writer

Superior Judge Herbert V. Walker is expected to follow a jury recommendation today and sentence Sirhan Bishara Sirhan to death for the assassination of Sen. Robert F. Kennedy.

Before imposing judgment, however, the court will hear arguments on defense motions to grant Sirhan a new trial and reduce his penalty to life in prison. It is unlikely that either request will be granted.

The 25-year-old Palestinian immigrant's attorneys, Grant B. Cooper and Russell E. Parsons, indicated their arguments will consume most of the day. Emile Zola Berman, a third lawyer who defended Sirhan, will remain in New York and not be present for the proceedings.

The three prosecutors—Dep. Dist. Atty. Lynn D. Compton, John E. Howard and David N. Fitts—said they will offer short replies in opposition to the defense motions.

Judge Walker is expected to allow A. L. Wirin, chief counsel for the Southern California Chapter of the American Civil Liberties Union, to appear as a friend of the court for the purpose of arguing against the imposition of the death penalty on the ground it is cruel and unusual punishment and violates Sirhan's constitutional right to due process of law.

Wirin said he will also join Cooper and Parsons in their contention that Judge Walker erred in excluding from the jury persons who are unalterably opposed to capital punishment.

In a brief filed with the court, Cooper and Parsons said they will seek a new trial on several grounds, all of them dealing with court rulings adverse to the defense.

They claim that Judge Walker erred in permitting the use of Sirhan's notebooks as evidence, in not quashing the grand jury indictment, in not granting a mistrial when reports that the defense was negotiating for a plea to murder with life imprisonment were made public and in not ordering the impaneling of a separate jury to hear the penalty phase of the trial.

Judge Walker could reduce the jury's recommendation of the death penalty to life, but that is rarely done.

In 19 other such cases which have come before him, the veteran jurist has altered the jury's verdict only once and that was at the suggestion of state penal authorities.

Sirhan was found guilty

April 17 of first-degree murder and of five counts of assault with intent to commit murder.

The assault victims were persons wounded in the barrage of gunfire last June 5 at the Ambassador which claimed the life of Sen. Kennedy.

The same jury of seven men and five women on April 23 voted that Sirhan should die.

Most of the arguments advanced by the defense today will be for the purpose of compiling a record for use in Sirhan's automatic appeal to the State Supreme Court.

The proceedings will be held in the same heavily guarded Hall of Justice courtroom where the trial was conducted.

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(Mount Clipping in Space Below)

SENATOR ASKS MERCY FOR ASSASSIN

Sirhan Gets Death Despite Kennedy Plea

BY DAVE SMITH

Times Staff Writer

Sirhan Bishara Sirhan Wednesday was formally sentenced to death in San Quentin's gas chamber despite a last-minute plea by Sen. Edward M. Kennedy that the life of his brother's assassin be spared.

Superior Judge Herbert V. Walker, brushing aside both the dramatic letter and an impassioned entreaty by defense attorney Grant B. Cooper, read solemnly from a previously prepared summary of the case:

"This is the time for judgment and sentence . . . It is the judgment and sentence of this court that for the crime of murder in the first degree . . . you should suffer the penalty of death within the walls of San Quentin Prison in the manner prescribed by law."

He ordered the diminutive assassin taken to San Quentin's Death Row within 10 days.

Sirhan, standing with his hands on his hips and staring without visible emotion as the judge sternly pronounced sentence, turned and smiled at defense investigator Michael McCowan. "Well, now the real battle begins," he murmured to McCowan.

Mrs. Mary Sirhan, seated in the second row of the small courtroom, cried softly and dabbed at her eyes as she waited for court to adjourn, signaling the moment when she could visit her condemned son in his 13th-floor cell.

She also had written to Judge Walker, citing Biblical references in her plea for mercy for Sirhan. Her letter, delivered to the 69-year-old

jurist Wednesday morning, was not mentioned in open court.

Sen. Kennedy, in a letter to Dist. Atty. Evelle J. Younger, invoked Robert F. Kennedy's own plea for "love and wisdom and compassion towards one another" in the sentencing of Sirhan.

Kennedy wrote:

" . . . if the kind of man my brother was is pertinent, we believe it should be weighed in the balance on the side of compassion, mercy and God's gift of life itself."

The letter, dated May 18, was introduced by Younger as defense motions for a new trial were being heard by Judge Walker.

Younger revealed that the prosecution had twice during the trial sought the Kennedy family's recommendations on conduct of the prosecution.

The family declined to express any opinion while the trial was in progress, Younger said, but contacted him through their attorney last week.

In his subsequent letter to Younger, the Massachusetts senator said he now understood "that the trial judge will be called upon to exercise his discretion concerning the penalty. Since this is now a question of clemency and the trial proceedings have been concluded, I feel I can appropriately convey to you, for whatever consideration you believe to be proper, how we feel."

Brother a 'Man of Love'

Thus, evidently speaking for other members of the murdered senator's family, Sen. Kennedy continued:

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"My brother was a man of love and sentiment and compassion. He jury would not have wanted his death to be a cause for the taking of another life. You may recall his pleas when he learned of the death of Martin Luther King.

"He said that 'what we need in the United States is not division; what we need in the United States is not hatred; what we need in the United States is not violence or lawlessness, but love and wisdom and compassion towards one another.'

"Moreover he was a young man totally committed to life and living. He stood against injustice, poverty and discrimination for those evils lessened life. He grew to despise war for war denies the sacredness of life. And he had a special affection for children for they held the promise of life."

Arguments for New Trial

Cooper cited 13 grounds for his motion for a new trial for Sirhan, arguing at length on two points.

He devoted his major effort to a contention that the defense had been misled by the prosecution last February, when the possibility of a change of pleas was being discussed.

At that time, Cooper said, both defense and prosecution agreed that Sirhan could plead guilty to first-degree murder with an understanding that he would be sentenced to life imprisonment.

But Judge Walker rejected this deal, insisting that if Sirhan did change his plea, the question of

penalty must still be left up to the jury. Cooper said the prosecution then offered, if Sirhan would plead guilty, to recommend that the jury hand down a life sentence.

Asked what the prosecution would do if Sirhan decided against the plea change and went ahead with the trial, Cooper said, the prosecution stated it would make no recommendation, either for a death penalty or a life sentence.

At that time, Cooper said, Younger told the defense that the prosecution was "in a position where we can't conscientiously urge the death penalty."

Says Defense Was Misled

It was on this understanding, Cooper said, that the defense finally advised Sirhan to go ahead with the trial and not risk a jury decision for death despite the prosecution's reported willingness not to press for it.

It was here, Cooper said, that they were misled because the prosecution "didn't keep its word" when Dep. Dist. Atty. John H. Howard made his final argument to the jury in the penalty phase of the trial, after Sirhan had already been convicted of first-degree murder.

Although Howard never specifically mentioned the death penalty, he did urge the jury to return "the only proper penalty for political assassination in the United States of America."

Cooper, in addition to claiming the defense was misled, also charged Judge Walker with judicial error in not accepting the plea change.

He further charged the jurist with error in his refusal to bar from evidence the controversial notebooks in which Sirhan wrote of his intention to kill Kennedy.

Although Sirhan's writings later became a major bulwark of his defense of diminished mental capacity, Cooper contended that the notebooks were illegally seized to begin with.

Cooper's final plea for a reduction of Sirhan's death penalty hinged principally on Younger's earlier willingness to accept a life sentence because of psychiatric reports indicating that Sirhan was mentally ill.

Cooper's motion was supported by a friend-of-the-court brief offered by attorneys A. L. Wirin and Fred Okrand of the American Civil Liberties Union.

(Mount Clipping in Space Below)

SECRECY SURROUNDS SIRHAN TRANSFER

By MYRNA OLIVER

Herald-Examiner Staff Writer

Secrecy surrounds the imminent transfer of Sirhan Bishara Sirhan, doomed murderer of Sen. Robert F. Kennedy, from Los Angeles to San Quentin's Death Row.

Judge Herbert V. Walker yesterday ordered Sirhan sent to the prison "within 10 days" after he upheld a jury's April 23 verdict and formally sentenced Sirhan to death.

Sheriff's Department authorities, continuing their maximum protection of Sirhan that with his trial has cost the county almost \$1 million, refused to say when or how Sirhan will be taken to the prison north of San Francisco.

In refusing to use his constitutional power to reduce Sirhan's sentence to life imprisonment, Judge Walker ignored an eleventh-hour plea for leniency made by the victim's brother, Sen. Edward M. Kennedy, D-Mass.

District Attorney Evelle J. Younger, in his first court appearance in the Sirhan trial which began Jan. 7, offered Kennedy's hand-written letter to Judge Walker at the start of yesterday's court session.

"If the kind of man my brother was is pertinent," the letter said, "we believe it should be weighed in the balance on the side of compassion, mercy and God's gift of life itself."

"My brother was a man of love and sentiment and compassion," the senator wrote, on behalf of the Kennedy family. "He would not have wanted his death to be a cause for the taking of another life."

Sirhan's attorneys said the 25-

year-old Arab showed little emotion when he saw a copy of the letter.

His mother, Mrs. Mary Sirhan, however, wept when friends read her a part of the letter.

"They're good people," she said of the Kennedy's.

Chief defense counsel Grant B. Cooper, who said he did not know about the Kennedy letter until yesterday morning when it was handed to Judge Walker, used it in his final plea for Sirhan's life.

Cooper said he had tried to contact Sen. Kennedy after the jury returned a verdict of first-degree murder, in an attempt to get him or his representative to testify at the penalty phase of the trial. He said he was informed through a Kennedy attorney, however, that the Kennedys considered such action "inappropriate."

He said the letter was "entirely unsolicited."

"Had the jury known at the time they were considering the question of life and death the attitude of the Kennedy family," Cooper said, "I feel their verdict would have been entirely different."

Cooper also asked the judge to reduce the sentence on the basis that Sirhan is mentally ill and that he "has never been in difficulty with the law before, and has a completely clean record."

The veteran attorney, who never before had a client convicted of first-degree murder or sentenced to death, also read editorials from news media, requesting a reduction of the sentence of life imprisonment.

Mrs. Irma Martinez, one of the jurors who convicted and doomed Sirhan, and Mrs. Eleanor Landgreen, an alternate who also sat through the 16 weeks of testimony, returned as courtroom spectators to hear Judge Walker's upholding of the verdict. They appeared unmoved by Sen. Kennedy's plea for Sirhan's life.

In issuing the sentence, Judge Walker also denied Cooper's 13-point motion for a new trial.

"It is disappointing," Cooper said after the judge's decision, "but that is that."

Sirhan will have an automatic appeal of the death sentence before the California State Supreme Court. Cooper said yesterday, however, he planned to file a separate appeal either Monday or Tuesday.

Cooper and defense attorney Russell E. Parsons have vowed to carry Sirhan's case as far as the United States Supreme Court. Sirhan's third counsel, New York attorney Emile Zola Berman bowed out of the case at the end of presentation of testimony and closing arguments.

Main points in Cooper's argument for a new trial were that diaries in which Sirhan threatened to kill Kennedy were illegally seized from his Pasadena home and should not have been entered in evidence and that the district attorney's office "misrepresented" its position in the case.

"In the minds of all defense counsel these notebooks were extremely damaging," Cooper said.

The diaries were used by the prosecution to show that Sirhan premeditated the murder and by the defense as evidence of Sirhan's mental illness.

(Indicate page, name of newspaper, city and state.)

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Assistant District Attorney David N. Pitts countered Cooper's arguments, saying other evidence would have proved the premeditation without the notebooks and that the defense needed them to prove its defense of "diminished capacity."

"Apparently the defendant is trying to eat his cake and have it, too," said Pitts.

He repeated the prosecution's contention, challenged by Cooper, that immediate search of the Sirhan home was necessary in case evidence of a conspiracy existed.

Cooper said the prosecution "misrepresented" its attitude in the case early in February when Judge Walker refused a Sirhan plea of guilty of murder in the first degree in return for a recommendation of a life sentence.

Cooper said he was told that if the case did go to trial, the prosecution would not recommend either death or life but leave the penalty up to the jury—which he said it did not do.

He quoted Younger as telling him in February, "We can't conscientiously urge the death penalty."

Yet Assistant District Attorney John Howard Cooper said, in his closing argument, "wound up asking, 'Return the only proper penalty you can for a political assassination.'"

"Taking his argument by its four corners . . . that was a demand for the death penalty," Cooper said.

He said had he known the prosecution's position earlier, he would have advised his client to plead differently.

Howard argued, "There was no demand for or request for either punishment. I submit to

the court this was not a breach of confidence or faith."

He said the earlier statement by the district attorney had been made before the prosecutors knew the evidence in the case, particularly reports from psychiatrists.

Sirhan, alternately bored and explosive during his 16-week trial, was calm throughout yesterday's session. Dressed in his customary courtroom uniform of rumpled blue shirt and black trousers, he chewed on a cellophane-wrapped cigar.

He stood politely at the command of Judge Walker to hear his sentence.

In a dispassionate voice, the beetle-browed jurist ticked off Sirhan's days in court from his arraignment June 7, 1968, until his move for a new trial yesterday.

Judge Walker then sentenced Sirhan to be put to death "in the manner prescribed by law" in San Quentin's apple-green gas chamber and further sentenced him to serve concurrent sentences of 1-14 years on each of five counts of assault with a deadly weapon with the intent to commit murder.

The redundant sentences were in punishment for Sirhan's shooting of five other persons June 5. All of the wounded victims recovered.

"I feel that the jury was right," Judge Walker intro-

duced his opinion. "I have no reason to change that now."

"It is the judgment and sentence of this court," the judge read his decision. "that for the crime of murder in the first degree, of which you Sirhan Bishara Sirhan have been convicted by jury, . . . that you should suffer the penalty of death . . . at San Quentin in the manner prescribed by law at a time to be fixed by this court . . ."

Ira Goldstein, 20, 4077 Hayvenhurst Drive, Encino, has filed a \$500,000 damage suit against Sirhan and the Ambassador Hotel for injuries received at the time of the Kennedy assassination.

Goldstein's suit, filed scant hours after Sirhan's sentencing, is the third civil action filed since the shooting.

Goldstein alleges he was assaulted and beaten as well as shot during the assassination fracas. He named the hotel co-defendant on grounds its management was negligent in failing to provide for the safety of patrons.

(Mount Clipping in Space Below)

SIRHAN'S YOUNGER BROTHER WRITES KENNEDY LETTER

Munir Sirhan, 21, younger brother of Sirhan Bishara Sirhan, released a letter Wednesday addressed to Sen. Edward M. Kennedy. The letter read in part:

"Dear Sen. Kennedy:

"How can words tell you what we feel? Your letter was good and full of the compassion our Lord tried so desperately to teach us.

"The terrible circumstances that created this tragedy must be examined by the conscience of the world."

Sirhan continued the letter by drawing comparisons between his brother and Sen. Kennedy's.

Before closing the letter with a Bible quotation, he wrote:

"This is a terrible double tragedy for your family and for mine. Our family grieves as much for Sen. Kennedy as for Sirhan. Both had dreams of a better world. What a cruel paradox. I want the world to ask, as we do: why?"

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
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1 MAY 22 1969

FBI — LOS ANGELES

(Mount Clipping in Space Below)

Sirhan's Address: Cell 33, San Quentin

SAN QUENTIN (UPI) —The "Sirhan Area" is ready on San Quentin Prison's death row for the killer of Sen. Robert F. Kennedy.

The address: Cell 33, South Side, Condemned Unit 1.

Sirhan Bishara Sirhan, if he is treated as other convicted California men for whom death in the gas chamber is decreed, will eventually come here to await his fate.

Life on death row is one of steel bars and mesh, clanging doors, buzzer signals, locks, guards and guns. It is a place where the clock and the calendar are the enemies.

"Sirhan will be granted no special privileges," said Associate Warden Jim Park as a massive bolt shot back and he shoved against a steel mesh door.

The door opened on a bare "no-man's-land" in front of three locked and vacant cells, doubles of each of the cubicles farther down which caged the 25 condemned men of the south side tier.

It was the route the Jordanian Arab would take after checking, in past the main gate of the squat yellow fortress 15 miles north of San Francisco.

Four strides over the bare pavement, and another meshed door blocked the way. Another bolt shot open, and the door was opened.

This was the probable future home, and universe, of the slight man who raised a pistol June 5, 1968, in a kitchen area of the Ambassador Hotel in Los Angeles.

Directly past the door is the Sirhan exercise area—a 10-by-15-foot slab of pavement which is the "front yard" of Cell 33.

Locked and vacant cells flank either side of 33. They will remain that way. Like other prisoners on death row Sirhan will have a television set to watch through the bars of his cell. Sound is through a headset, which can also be plugged into a two-station outlet for radio at the rear of the cell.

The Sirhan cell is like all the rest—4½ feet wide, 7 feet high and 11 feet deep. Appointments are a toilet, wash basin, two steel shelves, a tiny table, a flat-spring cot with a hard tick mattress and a pair of woolen blankets. Light is from a large, bare overhead bulb which can be operated in the cell.

Like the other death row inmates, Sirhan would be let out of his cell into his exercise area for 3½ hours a day starting at 10:30 a.m.

"He'll be able to talk to the other men," said Park.

Another thing Sirhan would be able to do outside his cell is see a patch of blue sky through a couple of windows above the bars.

But never, Park added, will

any inmate, even the mainline prison trustees who feed death row, be permitted to get close to Sirhan. He will be fed by a guard.

The idea, he said, is the same as in Los Angeles where Sirhan has been held since the shooting—to keep the prisoner segregated from men who might want to get into the history books as the killer of an important assassin.

"I'm sure someone would like to kill him," said Capt. Don Weber.

Since 1938, after hanging was stopped in California, 194 persons, including four women, have been gassed in the split-second ritual prescribed by law.

The question of the constitutionality of the death penalty is now pending before the U.S. Supreme Court.

(Indicate page, name of newspaper, city and state.)

A-5 Herald-Examiner
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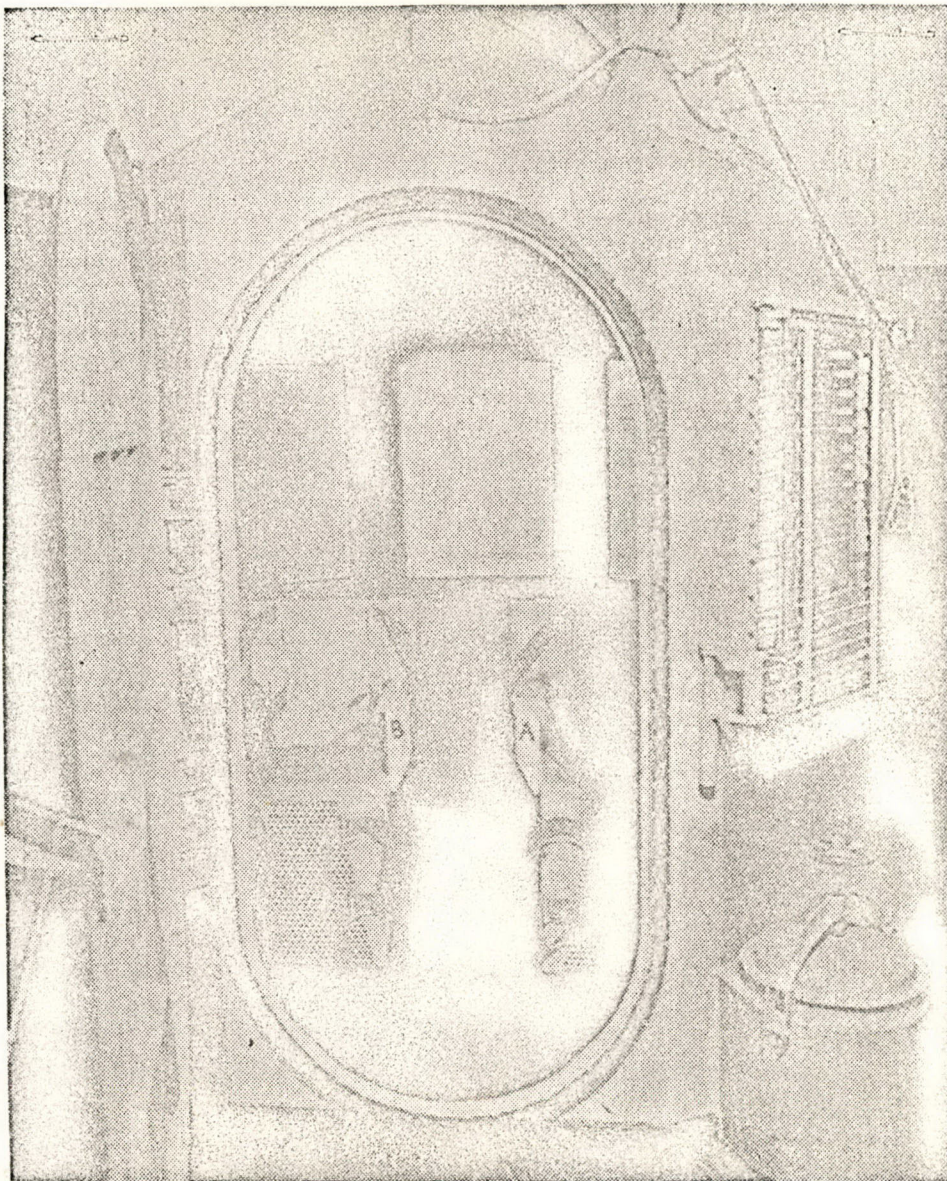
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—UPI Telephoto

THIS IS THE GAS CHAMBER AT SAN QUENTIN
Since 1938, 194 persons, including four women, have died here

(Mount Clipping in Space Below)

Sirhan Transferred to San Quentin in Secret Night Flight

Sirhan Bishara Sirhan, condemned assassin of Robert F. Kennedy, was whisked to San Quentin Prison's Death Row early Friday in a secret 3 a.m. flight from Los Angeles.

The tiny Palestinian Arab was taken from his heavily guarded cell on the 13th floor of the Hall of Justice, where he had been confined since last summer, and flown by a Sheriff's Department helicopter to Van Nuys.

There a two-engine state plane flew Sirhan and his armed escort to Hamilton Air Force Base, nine miles from the prison.

Twenty minutes after the plane touched down at 5:30 a.m., Sirhan was locked into Cell 33—a 4½ by 11-foot cubicle flanked on either side by locked, empty cells.

Without Incident

Sheriff Peter J. Pitchess, who announced the transfer only after Sirhan was locked in his Death Row cell, said the trip went off without incident.

Pitchess said state prison authorities had requested the super-secret early-morning transfer.

The plane was met by a six-car security convoy from San Quentin. Capt. Don Weber, chief of security, said Sirhan "appeared alert and interested and asked a good many questions about the institution during the car trip."

Sirhan joined 77 other San Quentin inmates sentenced to death.

The cell where he will await execution—or the outcome of the automatic appeal before the California Supreme Court—is no different from the cells of other condemned men, except for the empty cells on either side.

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SIRHAN ON DEATH ROW

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Secret Switch To Quentin

Sirhan Bishara Sirhan, doomed slayer of Sen. Robert F. Kennedy, was transferred amid tight secrecy at 3 a.m. today from Los Angeles to San Quentin's Death Row.

Sheriff's department officials said Sirhan was taken by sheriff's helicopter from his cell in the Hall of Justice and flown to Van Nuys Airport.

Sirhan was placed aboard a state airplane at the request of California State Prison Authorities and delivered to authorities at San Quentin at 5:30 a.m.

Sheriff Peter J. Pritchess said "the early morning departure was at the request of state authorities."

Judge Herbert V. Walker Wednesday ordered Sirhan sent to the prison "within 10 days" after he upheld a jury's April 23 verdict and formally sentenced Sirhan to death.

(Mount Clipping in Space Below)

'Just One of 3639 Men'**Death Row Cell for Sirhan**

Sirhan Bishara Sirhan today was "fitting into routine" at his new home in Cell 33 of Death Row, according to San Quentin Warden Louis Nelson.

Nelson assumed responsibility of the doomed murderer of Sen. Robert F. Kennedy at 5:30 a.m. yesterday after Sirhan was secretly flown to San Quentin from his heavily guarded cell in the Los Angeles Hall of Justice.

Capt. Don Weber, in charge of Sirhan's security at San Quentin, ushered him into the 117-year-old prison.

Weber said Sirhan chattered, commented that the buildings were old, and asked, "Where am I going to live?"

He was shown to the isolated cubicle.

Warden Nelson said Sirhan was given a physical examination yesterday and was interviewed by clinical personnel.

"There was nothing noteworthy about it," the warden said. "He is just one of 3639 men here."

Sirhan is one of 77 men awaiting death at San Quentin.

One of the young Arab's doomed neighbors told a guard yesterday, "He's one of us now. He won't be bothered."

Warden Nelson, however, is cautious. "There is some underlying concern for the fellow," he said. "Many here would want to be known as the assassin of the assassin."

"We have to protect him until that time when the law says we must take his life."

Sirhan has a private exercise area, and can converse with other Death Row inmates only across a 15-foot-wide no-man's land.

His meals will be served to him by guards rather than the trustees who serve other prisoners.

Sirhan, 25, is not the youngest of the 77 awaiting death. Also on Death Row is Thomas E. Braun, 19, of Ritzville, Wash., sentenced for killing a youth and kidnaping a girl during an aimless robbery tour.

Sirhan, now Prisoner B21014, was sentenced to death Wednesday by Los Angeles Superior Court Judge Herbert V. Walker. Earlier a jury had convicted Sirhan of first degree murder and ordered him to die, following a 16-week trial.

Prosecution and care of Sirhan since the June 5 slaying of Kennedy in the Ambassador Hotel cost Los Angeles County about \$1 million.

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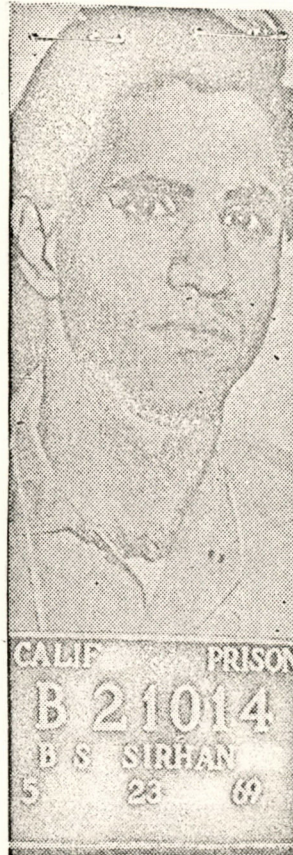
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AP Wirephoto

SIRHAN SIRHAN
Death Row photograph

(Mount Clipping in Space Below)

ARRIVAL IGNORED**Sirhan Rushed Quietly to San Quentin Cell**

Sirhan Bishara Sirhan, condemned assassin of Robert F. Kennedy, was whisked to San Quentin Prison's Death Row early Friday in a secret 3 a.m. flight from Los Angeles.

The tiny Palestinian Arab was taken from his heavily guarded cell on the 13th floor of the Hall of Justice, where he had been confined since last June 5, and flown by a Sheriff's Department helicopter to Van Nuys.

There a two-engine state plane flew Sirhan and his armed escort to Hamilton Air Force Base, nine miles from the prison.

Twenty minutes after the plane touched down at 5:30 a.m., Sirhan was locked into Cell 33—a 4½ by 11-foot cubicle flanked on either side by locked, empty cells.

The plane was met by a six-car security convoy from San Quentin. Capt. Don Weber, chief of security, said Sirhan "appeared alert and interested and asked a good many questions about the institution during the car trip."

Sirhan joined 77 other San Quentin inmates sentenced to death. The cell where he will await execution—or the outcome of the automatic appeal before the California Supreme Court—is no different from the cells of other condemned men, except for the empty cells on either side.

No other prisoners, including even prison trustees who serve the meals to Death Row, will be permitted

near Sirhan. Prison officials have said there are undoubtedly men in the prison, particularly condemned men who feel they have nothing to lose, who might want to be remembered as the killer of Kennedy's assassin.

Associate Warden James Park said other Death Row inmates, however, "paid no particular attention to Sirhan" when he arrived. "They like to think they've got a lot of class and don't get excited about this sort of thing," Park said.

Sirhan was formally sentenced to death by Superior Judge Herbert V. Walker on Wednesday. At that time, Judge Walker ordered that Sirhan be taken to San Quentin within 10 days.

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(Mount Clipping in Space Below)

No Evidence of Plot Found in Kennedy Slaying

Conclusion Disclosed by Younger After Intense Inquiry by Authorities

BY RON EINSTOSS

Times Staff Writer

There is no credible evidence to support a conspiracy theory in the assassination of Sen. Robert F. Kennedy, Dist. Atty. Evelle J. Younger said Wednesday.

He also labeled as "absurd" defense charges that his office reneged on an agreement not to seek the death penalty for Sirhan B. Sirhan and he described as "over-kill" defense psychiatric testimony during the trial.

Law enforcement agencies, including the Los Angeles police, FBI and his office, reached the conclusion that there was no conspiracy on the basis of more than 4,000 interviews of possible witnesses to any of the events which might have had some bearing on the slaying, Younger explained.

Younger made the statement at the first formal press conference he has held on the matter since shortly after Sen. Kennedy was shot June 5 by Sirhan. He said he could not comment on the case until now because of a court-imposed "gag" order.

Possibility Studied Immediately

Sirhan was sentenced to death a week ago today by Superior Judge Herbert V. Walker.

Younger said the possibility that Sirhan was "a member of a conspiracy whose objectives were not satisfied by the elimination of one political leader" became a concern immediately following the shooting of Sen. Kennedy.

No possible avenue of information, he said, was considered unworthy of investigation. Every allegation of a possible conspiracy was investigated in depth and will continue to be as they arise in the future, Younger added.

He noted that the information presented during the trial by both the prosecution and defense did not exceed 2% of the combined work product of the police and FBI investigators.

So that any doubting members of the public can satisfy themselves with the finding that Sirhan acted alone. A full disclosure of the results of the investigation will be made available "now that the constitutional rights of (Sirhan)" cannot be jeopardized by publicity, Younger said.

Duplicate copies of all documentary and photographic evidence will be available in the county clerk's criminal division located in the Hall of Justice, he revealed.

Police Chief Roger Murdock, according to Younger, also has agreed that "the interest of the public in law enforcement" can best be served by a full disclosure of all aspects of the investigation conducted by a special task force of police detectives.

Plea Bargaining Explained

The Los Angeles Police Department, he said, has "literally tons of information" in its files, all of which will be available for public review "to the fullest extent that security precautions and administrative resources will permit."

Commenting on the prosecution of Sirhan, Younger said, "It proved that our system of justice works."

The prosecution was willing to enter into so-called plea-bargaining negotiations early in the case, Younger explained, because at that time "it was my opinion and that of highly competent men on my staff" that the jury would not render a death verdict.

This, he said, was based primarily on the findings of the prosecution psychiatrist.

They did not at the time have the complete reports of defense psychiatrists and had no way of knowing then that defense psychiatric testi-

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mony—which he said included "far-reaching and absurd propositions"—would turn out to be as disastrous as it was, he said.

Younger said the jury arrived at the proper verdict and he committed his office to doing all it could to sustain the death penalty in the case.

It was not unusual for the prosecution to contact the Kennedy family regarding the handling of the case, Younger said, because his deputies often consult with interested parties, particularly the families of victims, to determine how they will react to proposed dispositions.

He said he believed it is a good policy to allow members of a victim's family to express their opinion on the outcome of any case in which they have an interest.

Asked if he thought Sirhan would ever be executed, Younger replied, "You know the track record on that as well as I do."

He said, however, that he did not anticipate that the appellate courts would find any deficiency in either the trial or the conviction of Sirhan.

In answer to a question regarding the role of former Coroner Thomas Noguchi in the case, Younger said he is satisfied that the autopsy on Sen. Kennedy was conducted in a proper manner.

The problems and pressures incident to the successful prosecution of Sirhan in many respects were without parallel in the history of American jurisprudence, according to Younger.

(Mount Clipping in Space Below)

Retained By Sirhan, Belli Says

San Francisco attorney Melvin Belli said he has been retained by Sirhan Bishara Sirhan, although the convicted assassin of Sen. Robert Kennedy has signed a paper stating he wants no lawyer other than his original two attorneys.

Belli said yesterday he would seek a court order permitting him to see Sirhan.

He said the Sirhan family asked him to assist attorneys Grant B. Cooper and Russell E. Parsons in appealing Sirhan's death sentence. This was confirmed by Sirhan's brother Munir, 22.

Belli tried Sunday to visit the 25-year-old Jordanian immigrant on Death Row, he said, but San Quentin officials turned him away. They said Sirhan did not want to see him.

"That's a lie," said Belli, who defended Jack Ruby in the slaying of Lee Harvey Oswald—assassin of President John F. Kennedy.

Parsons said that to his knowledge Belli is not involved in the case, and he doubts Sirhan has requested his help.

"I was at San Quentin last Saturday and he never mentioned Belli," Parsons said.

Belli said Sirhan has requested his visit in a letter to him.

Shortly before his sentencing, Sirhan wrote he preferred to keep his two lawyers and "no other."

Cooper has already filed an appeal of the conviction with the State Supreme Court.

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(Mount Clipping in Space Below)

Sirhan: I Wanted RFK to be President

Sirhan B. Sirhan, condemned killer of Sen. Robert F. Kennedy, wishes his victim could have lived to become President of the United States but justifies the assassination because it brought attention to the Arab plight.

In the only interview with a newsman since the assassination nearly a year ago, the 25-year-old Arab immigrant emphasized that he acted alone when he killed Kennedy.

The interview, filmed shortly before Sirhan was taken to San Quentin prison's Death Row, will be shown tonight on the National Broadcasting Company's "First Tuesday" television program.

Of his victim, Sirhan said, "I thought he was a prince, sir... I thought he was an heir apparent to President Kennedy, and I wish the hell that he could have made it."

Sirhan insisted that despite jottings in his notebooks that he would kill the senator, he did not plan to actually do it.

"I don't have the guts to do anything like that," he said.

He said he went to a Kennedy appearance at the Ambassador Hotel two days before the assassination, not to plot the slaying, but merely to see the senator.

"I know this sounds unbelievable but I went there just to see Sen. Kennedy," Sirhan said.

"I feel hated and I feel despised or something but I—I honestly, sir, don't understand why," Sirhan said. "I know that I—I'm infamous. I'm hated. I understand the reason for being hated but I really have no appreciation myself, sir, for being so."

Sirhan said, though, that he thought the world should know "They are the writings of a maniac," Sirhan said.

Asked what he would write in the notebooks if Kennedy were still alive, Sirhan replied, "To me, sir, he's still alive... I don't believe that he's dead, sir. I mean I have no realization still that I had killed him, that he's in his grave and all that. I don't believe it, sir. To me, he's not."

But later, when pressed, Sirhan admitted he knew Kennedy was dead and was asked, "You know that you killed him?" "Yes, sir," Sirhan replied. "Do you wish he were alive again?" "Very much so, sir," Sirhan replied. "Every morning when I get up, sir, I say I wish that son-of-a-gun were alive, then I wouldn't have to be here now."

Sirhan said he did not believe he was mentally ill to the extent that psychiatric testimony at his trial indicated. "I'm not mentally ill, but I'm not perfect either," he said.

Sirhan said he was very bothered when, sometime after the slaying, he learned that Kennedy had 10 children (an 11th was born six months after the senator died.)

Sirhan said he remembered little about the assassination itself, insisting that he recalled nothing after getting a cup of coffee for a pretty girl until he was choked and pummeled by Kennedy supporters after the shooting.

"To me my whole life stopped on June 5... from June 5 of '68 on is unreal to me, sir," he said. "I still don't believe what has happened."

In his sometimes contradictory replies, Sirhan said he did not remember writing in his notebooks, "My determination to kill RFK is becoming more and more an obsession."

The interview was the only one with Sirhan since he was taken into custody early June 5, 1968, after the New York senator was shot down in a pantry of the Ambassador Hotel.

The young Arab said he felt more of an alien in the United States after the Arab-Israeli war "because everybody in America loved a winner and the Israelis won, sir. But I was a loser and I did not like it one bit."

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Sirhan stated emphatically he was the only one responsible for the assassination:

"I'm the only one that is responsible for what happened to Robert Kennedy," he said.

Sirhan was asked if he could make three wishes what they would be.

"The first wish, I wish that Sen. Kennedy was still alive. I wish that every day I've been here. The second one, that there should be peace in the Middle East."

He gave no third wish.

Sirhan said he thought his family felt more sorrow for Kennedy than they did for him.

"I think that they're more sorry for President Kennedy—for Sen. Kennedy than they are for me, to tell you the truth."

(Mount Clipping in Space Below)

A Year Later: Lives of Sirhan Victims Change

Wounds Have Healed but
Tragic Event Leaves
Lasting Imprint on Five

BY DAVE SMITH
Times Staff Writer

Sometimes when Elizabeth Evans brushes her hair she forgets, and the bristles saw roughly across the Z-shaped scar at her hairline. The pain is fierce, but brief.

Sometimes she pushes back her bangs and stares at it in her mirror. That way, the Z looks like an S, and then she thinks of the man who put it there.

Ira Goldstein has recurring pains in his left leg, and it goes numb if he walks far. Dancing is out, of course, and even the drive to work causes it to stiffen, so he limps a few minutes after getting out of his car. As he limps along, he thinks of the man who did this to him.

Irwin Stroll has a bum left leg, too. It freezes up on him sometimes when he's walking and he has to stamp it to restore feeling and movement. Once he nearly fell downstairs when it went numb.

Knows When It's Going to Rain

"I can tell you now when it's going to rain," he offers cheerfully. And whenever a rain is brewing, he thinks about the man who turned his leg into a barometer.

William Weisel has a scar a foot long across his stomach. Everytime he takes his clothes off, the scar reminds him of the stranger who inflicted it.

For Paul Schrade, labor union leader and a prime mover in the New Democratic Coalition, the reminders aren't physical ones. To a man urgently committed to social and political action, the months of convalescence are irretrievably gone, and all he needs is a clock to remind him of what must be done, and how little time there is, and how much time he lost—and inevitably, of the man who cost him that time.

All five are thinking of the same man who, one year ago today, changed not only their lives but the lives of many, many more, in one way or another.

Shortly after midnight on June 5, 1968, Sirhan Bishara Sirhan shot these five. He also fatally wounded Sen. Robert F. Kennedy, moments after Kennedy claimed victory in the California Democratic primary race for the Presidency.

Change by Death Unknown

Probably, it will never be known precisely to what degree American life was affected by Robert Kennedy's murder.

But for the five who were wounded with him that night in a crowded pantry of the Ambassador, life will never be quite the same again—perhaps physically, perhaps socially, or politically, or emotionally. Small changes, perhaps, and not necessarily for the worse.

None of their injuries had serious, long-lasting effects beyond the scars of bullets. But beneath the scars each has thought long, serious thoughts about how close they came to death last June, and what they want to do with their second chances.

Weisel, 31, Republican and single,

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I've always liked to be where the action is."

Her past experience as a volunteer campaign worker had taught her how to get close to the center of activity, so after Kennedy claimed victory that night, "I got close to him and just hung in there to watch"—right into the pantry.

"At first I didn't even realize I'd been shot," she recalls. "I remember being annoyed at some woman who kept shrieking and shrieking and hadn't even been hit, and I remember losing one shoe in the scramble. Blood was running into my eyes and I could hardly see, but I kept grabbing for the shoe on the floor and everytime I'd get close, someone would kick it away again."

At the hospital later, bleeding heavily but not seriously hurt, she brushed aside medical treatment for a while, telling the orderlies pertily: "Never mind me, I'm all right. Just look after the senator."

Her involvement has caused no particular shift in her political thinking, she explains, "because I've always been active in Democratic politics anyway."

Arguments Started

But socially, she says, "it's been sort of a pain in the neck, really. Not among my friends, because when they heard I'd been involved they just figured that was Elizabeth for you and they know me well enough not to keep bringing it up all the time."

"But with people I'd be meeting for the first time, someone might introduce me as the woman who got shot, and then I'd find myself in terrible arguments with these strangers. You know, they'd say things like, 'Why go through this long, drawn-out trial, everyone knows he's guilty,' or that Sirhan should be executed right away."

"Sometimes I'd try to hold my tongue for a while, but I can take just so much of that point of view and I'd have to sound off. I'd explain that everybody is entitled to a full, fair trial, and I have never believed in a death penalty. So I'd wind up defending Sirhan and getting into some really hair-raising arguments."

"The thing is, I hate what Sirhan did, but I don't hate him, and I always wind up defending his right to a fair trial, when strangers expect me to do just the opposite."

Emotional Reaction

The most serious effect of the shooting on Mrs. Evans was an emotional one, which accelerated a decision that began to take shape after her near-fatal accident in 1964.

Then, and more intensely after last June 5, she began to feel that her life, twice reprieved, had been going nowhere. She felt that if she could make the rest of her own life happier and more productive, another person's could be, too.

By mutual decision, the Evanses are being divorced.

For Ira Goldstein, 20, an electronics company employe of Encino, the killing of Kennedy has left him disillusioned with the American political process, although he thinks the disillusionment may be only temporary.

"It changed my thinking about politics," he says today, "from good to bad. If I was ever considering running for office to help people, now I probably wouldn't. I think there are enough sick people walking around to ruin it for the others. They can com-

pletely destroy your efforts for anything good."

"Right now I don't seem to care anymore. It's probably something that will pass but I'm sort of disgusted with the whole thing now."

But for Irwin Stroll, 18, of Los Angeles, it's had an opposite effect. Stroll, an art student at Valley Junior College and a Kennedy volunteer worker, says today, "I was kind of out of it after the assassination. People asked me to work later for Humphrey and Cranston and Bradley, and I was for them, in my own mind, but I just couldn't bring myself to go back to work."

But now he's back in harness, he says, working for the Los Angeles County Democratic Central Committee and helping set up the first annual Kennedy Commemorative Dinner, "A Night in Camelot." Stroll says that in the

a news director for ABC television in Washington, was just doing his job in that cramped pantry last June 5 when he was shot in the stomach, a split second after Kennedy fell to the floor.

The bullet plowed around through the fatty tissue of his left side and lodged near his spine, without hitting any vital organs. But Weisel's profuse bleeding caused one medical aide to remark, after a quick glance, "I don't think this one's going to make it."

Weisel, frightened at the words, almost immobilized by shock and unaware that his wound was relatively slight, told a co-worker in a frightened whisper, "Dave, I think I'm going to die."

But he didn't—recovered quickly in fact. And something was different.

"The assassination gave me a new outlook," Weisel says. "At first I thought I was dying. Since then, I have had a different outlook on life—live now, enjoy now, sort of. I was very lucky in a lot of ways, and I've tried to hang onto a lucky outlook on life. Maybe the things I'm doing now are the result of some fate I was unaware of."

Aided Socially

Weisel doesn't recall seeing Sirhan that night, but his chance involvement in the tiny Palestinian Arab's moment of glory gave an ironic lift to his own social standing, Weisel finds.

"I'm always introduced now as the person shot with Kennedy—especially among news people," Weisel says. "It's a strange feeling. I have never been in the public eye before, I'm used to being behind the news. But socially, it's kind of improved things. People who wouldn't even glance my way before now speak, and all of a sudden I'm very popular."

Weisel also finds himself popular with legions of letter writers—some old high school and college friends, even a long lost relative in Germany, but mostly people who see religious significance in his narrow escape.

"I have a box full of letters," he says, "from, let's say, strongly religiously inclined people who explained why I was saved while Kennedy died. I have no particular religious inclinations, myself, but to a large number of people, it's the center of their life. A lot of the letters are personal, some of them quite nice. When you're sitting home alone quietly, it can sort of get to you."

Fear Develops

And something else got to Weisel that night he was shot: fear.

He didn't recognize it as a new companion until five months later. "It was the election weekend in November," he recalls. "I do ABC's 'Issues and Answers' program, and I went to Atlanta to get Gov. George Wallace on the show. There was a big crowd and it kind of bothered me. And that night, I tried to keep away from Wallace—not get too close. But at one point, the crowd just opened up and he was walking toward me without any Secret Service men around him."

"In the middle of this crowd, we were alone, and he reached out for my hand and said, 'Hello, I'm George Wallace.' My heart just sank."

To Elizabeth Evans, the scalp wound she suffered last June 5 was her second brush with death since an auto accident nearly killed her in 1964.

Both events served not so much to change her as to make her more intensely herself, she believes.

Mrs. Evans is blonde, 43, pretty in a Vera Ellen sort of way, and will become a grandmother this summer.

Last summer she was an activist, outspoken McCarthy Democrat, who went to the Ambassador on election night "because

last year "I've become more aware of the problems the senator was trying to explain. I'm waking up to the fact that you have to change the world because no one else is going to do it. He's gone, but we have to carry on what he was trying to do, which is what I'm going to do for the rest of my life."

"Being close to the senator and knowing him so well makes me want to fulfill his dreams of helping people."

In some ways it was Paul Schrade who lost the most in the shooting last year. He was the most seriously injured, suffering a depressed skull fracture and a lacerated vein.

His recovery took nearly six months.

But for Schrade, 44, western regional director of the United Auto Workers, the worst injury was personal. Alone of the five, he was a close personal friend of Kennedy.

"The worst thing about the assassination was losing Bob," says Schrade. "The country was heading for disaster under President Johnson and we needed a sharp change."

But in losing Robert Kennedy, Schrade found others. "I've got to know Ted," he says. "I didn't before. My association with the family wasn't close, just with Bob, and I'd never met Ethel before that night. I've seen her a couple times since, so that relationship is developing."

Something that is developing even more is Schrade's work in Democratic politics. "The assassination intensified my commitment," he says, adding that much of his time now is devoted to the more radical liberal causes of the Democratic Coalition.

One of his chief concerns is support for the United Farm Workers Organizing Committee of Cesar Chavez, leader of striking workers in California's vineyards and Texas' Rio Grande Valley.

Schrade says he has felt no physical effects of his injury for at least six months, but an emotional effect that lingers is the concern people showed for him when he was recovering.

"People said things during that period that they wouldn't have said earlier," he says, "and this strengthened me and made the recovery easier. And it made me much surer of my friends as well as myself."

Although "it's painful for me to go over and over it again," Schrade admits that his involvement "has made me better known around the whole country as a result. In a way, it's really established me in the radical liberal group in the Democratic Party."

Of the five, only Weisel approves the death penalty that was meted out last month to Sirhan, who is now on Death Row in San Quentin awaiting the gas chamber.

"I thought it was quite fair," he says. "I'm one of

the few people who agree with capital punishment, although I expect California to abolish it. But it's a symbol to all of us of cause and effect. If you do something like this, you should be ready for the punishment."

For varying reasons, the others disagree. All say they basically disapprove of the death penalty on principle. For Goldstein, life imprisonment would be "a far better punishment for him. He should have to think about what he's done."

For Schrade, execution of Sirhan would be "inhuman and unnecessary," and a violation of the beliefs of Sirhan's own victim—Kennedy.

Time passes and the headlines get smaller, except for an occasional legal development, or, like today, an anniversary.

But often throughout the year, each of the five pauses to think a moment, and the terror and tumult of that night is freshly recalled in different ways.

One of the most chilling moments occurred to Weisel. "I was in Honolulu then," he recalls, "doing a program on the recovery of Apollo 8 in the Pacific. I was out on the beach one day in a dune buggy, just riding up and down and enjoying myself. It was Jan. 1, and on the radio they played a recap of the year's biggest events. Somewhere along the way they played a tape made at the time of the shooting in the pantry. I'd never heard it before, and it stopped me cold. The biggest cold chill I ever had went up my back . . . I was there, and it could have been the end. Instead it was just the beginning."



Elizabeth Evans
Times photo



Paul Schrade



Irwin Stroll
Times photos

(Mount Clipping in Space Below)

Psychiatry: A Boon to Law or Mumbo Jumbo?

Disagreement of Doctors as to Value of Testimony May Change Application

BY HARRY NELSON
Times Medical Writer

"Psychiatric testimony in the courtroom is mostly mumbo jumbo. It doesn't correspond to real life. And besides, it's been shown over and over that juries don't take it seriously."

The man who holds that view is Dr. Karl Menninger, one of the nation's best-known psychiatrists. And he is not alone in his criticism of the role of the psychiatrist in the courtroom.

Dr. Jay Ziskin, a psychologist at Cal State Los Angeles who also is an attorney, says an intelligent layman can judge the mental competence of a defendant to stand trial as well as an expert.

"Everybody thinks there is a scientific body of knowledge that can be used effectively to make this determination. But the scientific literature says they don't know what they pretend to know. We are dealing with an established myth. The scientific literature says this help is not available. It is an illusion to believe it is available."

Others Join Criticism

Joining in the criticism of the role of psychiatric testimony are the presiding criminal judge in Los Angeles and the chief deputy district attorney. They agree, however, with a prominent defense attorney that the role of such testimony will expand in the future.

Obviously, the critics—who gained fresh ammunition from the testimony of psychiatric witnesses in the recent trial of Sirhan B. Sirhan—are in disagreement with the bulk of American psychiatrists and psychologists who testify in criminal cases.

According to Dr. Herbert E. Thomas, a psychiatrist who is on both the medical and law school faculties at the University of Pittsburgh, more psychiatrists should be willing to testify in court.

"I believe our role is a pedagogical role in the courtroom. We can bring information no one else has access to. If this is done on the basis of careful clinical study, the psychiatrist can provide the courts with something valuable," he said in an interview at the recent meeting of the American Psychiatric Assn.

Thinks Trend Paying Off

Dr. Thomas said the present trend in American universities to retain psychiatrists in legal work is paying off.

Lawyers and judges, he said, are responding to the efforts by universities to bring together the fields of psychiatry and law so that they can better understand one another's problems and serve the courts better.

Nearly everyone agrees that the professional image of psychiatry and psychology was tarnished by the events of the Sirhan trial.

Critics of psychiatry, especially critics of the Freudian and psychoanalytic school, take delight in recalling the performances of expert witnesses who sought to analyze Sirhan's behavior.

The spectacle of the experts contradicting one another to sup-

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port theories which seem incongruous to the layman should prove to the world, say the critics, that psychiatrists don't know what they are talking about.

In the opinion of Dr. Thomas and two other authorities on legal psychiatry the chief error of the psychiatrists in the Sirhan trial was that they lost their objectivity.

"There is no question about the competency of those men (the psychiatric expert witnesses)," said Dr. Oscar K. Diamond, director of Manhattan State Hospital and clinical professor of psychiatry at Mt. Sinai Medical College.

"But a man's life was at stake and under pressure of examination and cross-examination many things were said or implied which led to elaborations, conjectures and prognostications which ordinarily these men would not have entered."

Dr. Gene L. Usdin, a Louisiana State University psychiatrist and chairman of the psychiatry consultant's committee of the American Bar Foundation, believes the notoriety of the case caused the experts to over-react.

"They were flattered to be asked to testify in this case. They liked the experience," he said.

Another psychiatrist who is critical of the role his profession is asked to play in courtrooms is Dr. Seymour Halleck of the University of Wisconsin.

"The Sirhan trial was terrible for the image of psychiatry because the present system demands that psychiatrists answer the question whether a person was responsible for his behavior at some point in the past when the crime was committed," Dr. Halleck said.

Says Questions Wrong

"Instead of being asked to make such a judgment the psychiatrist should be asked to describe the man, to tell why he committed the act and to state how he should be treated—these are sensible things to expect of a psychiatrist. But instead he is asked a stupid question, so he gives a stupid answer."

Dr. Halleck and Dr. Menninger are perhaps the most outspoken critics of the present system.

The typical criminal case in which a psychiatrist is asked to testify involves a defendant who is pleading not guilty by reason of insanity.

California law, like that of nearly every jurisdiction, states that a person cannot be tried, judged or punished while he is insane. The law gives to the psychiatrist the job of deciding whether a particular individual is insane in the legal meaning of the word.

Several Meanings

In the legal context, insanity has several meanings. One is that a person was unable to distinguish right from wrong at the time he committed the act—in other words, he was not responsible for his crime. Another legal meaning carries with it the implication that the insane defendant would be unable to comprehend the proceedings of a trial and unable to cooperate with his counsel.

The legal precedent for an insanity plea was set in England in 1843 in a case involving Daniel M'Naghten who shot and killed the secretary of Sir Robert Peel, the prime minister, thinking that the secretary was Sir Robert.

M'Naghten, who had delusions that he was being hounded by enemies, including Sir Robert, was found not guilty on ground of insanity. The legal criteria for establishing insanity came to be known as the M'Naghten Rule.

Drs. Menninger and Halleck and some judges who have been trying to reconcile law with psychiatric knowledge say the M'Naghten Rule is absurd.

"It requires an incalculable degree of presumption to say whether another individual 'knows' right from wrong, especially when few of us could truly say (except in utter naivete or ignorance) what our own degree of expertise is in this distinction," Dr. Menninger wrote in his book "The Crime of Punishment."

"I oppose courtroom appearances because I consider guilt, competence and responsibility to be moral questions, not medical ones," Dr. Menninger wrote.

"The judge and the jury are the community's representatives in this area. It is for them to make the judgment and apply the sanctions deemed appropriate, not us psychiatrists."

Dr. Menninger said psychiatrists could properly examine an offender and submit a report of their findings to assist a judge or jury to come to some conclusions about the man's competence.

"But no psychiatrist should presume to accept the responsibility of deciding a highly technical legal question based on these findings," he continued.

"He can say that a man is deluded or distracted or hallucinated, but whether or not his state of mind is compatible with legal 'competence' is something about which a psychiatrist has only common knowledge and not scientific knowledge."

Dr. Halleck, once Dr. Menninger's student, says there are three reasons why psychiatrists are willing to testify in court.

Reasons Stated

They are compassion, a liking for the attention and the belief that they are protecting the image of psychiatry.

Contrary to what many people think, money doesn't have much to do with it, Dr. Halleck said. With few exceptions, psychiatrists can make more money out of court than in.

Dr. Halleck doubts that psychiatrists ever will be able to agree on a workable definition of terms such as psychosis or mental illness.

He pointed out the great difficulty of hanging a diagnostic label on an individual whose emotional state is changing under the influences of the knowledge he has committed a crime, his confinement and his trial.

He believes this changing emotional state is the principal reason why psychiatrists who examine a defendant seldom agree. Like the story of the blind man and the elephant, each sees a different part of the whole and each may be right.

Los Angeles Superior Judge William B. Keene is among the judges who object to the attitude of some psychiatrists that they can impose their own views on a court system which spells out very clearly what the psychiatrist's role should be.

A Question of Law

"Whether we want them or not, they are in the courts by statute. The law makes it mandatory that we appoint one or more psychiatrists in the event of a plea of not guilty by reason of insanity," Judge Keene said.

"We need the psychiatrist's opinion, but it must be given under the court's terms. Perhaps we in law haven't caught up with the medical definition of insanity and maybe we should. But in the interim we have to work within the definition in the legal profession, which is long standing."

Many psychiatrists, he said, do not bother to find out what the court wants from a psychiatrist. They do not attempt to learn the varying legal definitions of insanity or to learn the particular legal context within which any one of the legal definitions is used.

Instead, the judge said, they want to inject their own views and refuse to accept as valid the legal definitions of insanity.

Chief Dep. Dist. Atty. Lynn D. Compton, head of the prosecution team in the Sirhan trial, agrees with Judge Keene that some psychiatrists fight the law with their testimony.

The M'Naghten Rule, he said, draws the line where society wants it to be. It should be a relatively simple matter for psychiatrists to decide whether a particular defendant is above the line—responsible for his crime and therefore to be dispatched to prison—or below it, meaning he is not responsible and therefore to be placed in a mental facility, Compton said.

"But they are not content just to say I examined this man and found he has a certain diagnosable illness. They are unable to say this man has such and such a disease and the symptoms are so and so and define precisely the perimeters of this injury.

"Instead," Compton declared, "they fight the social policy of where the law has pegged the responsibility. They fight the law with their testimony."

"The great majority of psychiatrists are opposed to capital punishment. This causes them to say to themselves, 'This man shouldn't be executed' and they proceed to diagnose the case in such a way that the diagnosis will support their views on capital punishment."

"I have the feeling that, given a defendant who has committed an unsocial act, a psychiatrist will start with the premise that there is a psychiatric reason for the behavior and will then look for things that are wrong."

"The average nonpsychiatrist doctor wouldn't do things that way. But psychiatrists start with the bias that there is something wrong."

See Practice Growing

Joseph M. Rosen, a Los Angeles defense attorney with a notable record of keeping defendants out of Death Row, says that the use of psychiatrists will become more prevalent in murder trials because of the recent introduction into the legal system of the theory of diminished capacity.

Diminished capacity was explained in a 1964 California Supreme Court decision in the case of the People vs. Wolff. In a lower court the 15-year-old Wolff, who had killed his mother with an ax handle, was examined by three psychiatrists and found to be insane. The jury ignored the testimony of the psychiatrists and it declared Wolff sane and responsible for his act.

In the subsequent court trial, without a jury, Wolff was found guilty of first-degree murder.

The Supreme Court decision upheld the jury's right to ignore the psychiatric testimony but reduced the judge's finding to second-degree murder.

The reduced sentence had the effect of giving weight to the psychiatric finding that Wolff was so mentally ill that he did not have the mental capacity to reflect the enormity of his crime. At the same time it recognized that he had sufficient mental capacity to know the nature and consequences of his act and therefore was guilty.

From this decision and others has sprung the concept that there exist varying degrees of diminished mental capacity which negate in varying degrees the defendant's malicious intent to kill.

Alcohol and drugs are examples of things that can influence mental capacity. Varying degrees of organic brain damage or mental retardation are others.

All three of the legal representatives interviewed — Judge Keene, Compton and Rosen—said that the concept of diminished capacity will involve an increasing amount of psychiatric testimony in the courts to determine the degree of diminished capacity.

One of the dangers of the current criticisms of psychiatry in the courtroom at a high point now because of the Sirhan trial, is that it may affect psychiatry outside the courtroom.

This could be cause for concern because hundreds of thousands of persons are receiving some sort of psychiatric care or psychological counseling.

If all the things that critics say are true, some would argue that these patients might be as well off without it. But that argument implies that nothing should be done to help the sick of mind. The alternative—doing something—automatically falls into the scope of psychiatry and the behavioral sciences.

Critics often object not

to psychiatry or psychology but rather to a particular theory of causation or mode of treatment. But the theories and the treatments which they suggest as alternatives invariably are as vulnerable to attack.

Obviously psychiatrists, lawyers and judges need to get together to work out solutions which benefit society by using the best that each has to offer.

If people on trial and society can benefit from psychiatric testimony — and it seems reasonable to assume that the right kind of testimony and treatment can be useful—there should be a clearer understanding of what psychiatry can and cannot do.



POINTS OF VIEW—Chief Dep. Dist. Atty. Lynn D. Compton, left, L.A. Superior Judge William B. Keene and Dr. Karl Menninger, prominent psychiatrist, share in criticizing current role of psychiatric testimony in the courtroom.

(Mount Clipping in Space Below)

Belli, Sirhan Family Discuss His Appeal

BY NOEL GREENWOOD
and LINDA MATHEWS
Times Staff Writers

Attorney Melvin Belli met with the family of Sirhan B. Sirhan here Saturday and then said he probably will handle the appeal of Sirhan's conviction for the assassination of Sen. Robert F. Kennedy.

He said he would meet with Sirhan early this week.

The announcement set off speculation that Belli was about to take over the defense of Sirhan, sentenced to die in the gas chamber.

"I think the death penalty is completely uncalled for," said Belli, who defended Jack Ruby in his trial for the murder of Lee Harvey Oswald, assassin of President John F. Kennedy. Ruby received a death sentence but was awaiting retrial when he died of cancer in January, 1967.

Although Belli said his interest in Sirhan was limited to writing an appeal brief, an associate indicated Belli's role could develop into much more than that.

"There's no question the family would like him to do that. (write an appeal brief)," said Sydney Irmas, a Beverly Hills attorney associated with Belli.

"Then, the question is whether he's going to go any further. And I think nobody but Sirhan can decide that."

Russell E. Parsons, one of Sirhan's three defense lawyers, informed of Belli's comments, said he was in the case "until the bitter end."

"I told him (Sirhan) when he hired me that I would go to the Supreme Court of the United States if necessary, and he shook hands with me and said, 'That's what I want.'" Grant B. Cooper, Sirhan's chief defense counsel, said he knew nothing about Belli entering the case.

Belli said Sirhan's mother and two brothers first approached him about three weeks ago when he was in Los Angeles for a trial.

Two-Hour Meeting

In a two-hour meeting during a court recess, they asked him to enter the case, he said.

Saturday morning, Sirhan's mother and brother, Adel, met with Belli in the lawyer's Los Angeles apartment. Adel then agreed to arrange for the meeting this week between Sirhan and Belli.

Belli said his main interest was in writing the appeal should the motion for a new trial for Sirhan be denied. That motion, submitted last month by Cooper, is scheduled for argument May 21 before Superior Judge Herbert V. Walker.

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Deportation For Sirhan's Brother?

Board of Immigration Appeals has taken under advisement a move to deport Munir Bishara Sirhan, 21-year-old brother of the convicted murderer of Sen. Robert F. Kennedy.

The U.S. Immigration Service had delayed action on the pending deportation order until yesterday to avoid any possible influence on the Los Angeles jury that convicted Sirhan Bishara Sirhan of murder on April 19, a government spokesman said.

Munir, native of Palestine and a citizen of Jordan, has been under deportation proceedings since he was convicted of possession and transfer of marijuana Oct. 13, 1966.

Robert A. Vielhaber, counsel for the U.S. Immigration Service, asked the board yesterday to uphold the original deportation order made on grounds of Munir's felony conviction.

Munir was sentenced by a Los Angeles Superior Court to one year in jail and five years on probation. His attorney, however, later persuaded the court to vacate the sentence and transfer it to a juvenile court. Munir was 19 when the incident occurred.

Vielhaber argued yesterday the new trial was sought only to avoid deportation. He also said the court order transmitting the case to juvenile court was contrary to California law.

Appeals Board Chairman Maurice A. Roberts said yesterday that David Marcus, Munir's attorney, would be asked to submit a written brief.

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A-6 Herald-Examiner
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SIRHAN BROTHER FREED IN HOSPITAL ROW TRIAL

Sharif Bishara Sirhan, 37, brother of the condemned slayer of Sen. Robert F. Kennedy, has been acquitted of disturbing the peace charges.

He pleaded "diminished mental capacity" yesterday, the same defense used by Sirhan Bishara Sirhan—now on San Quentin's death row.

A nine-woman, three-man Municipal Court jury deliberated three hours before finding Sirhan innocent of creating a disturbance at the intensive-care unit of St. Luke's Hospital March 28.

Another brother, Saidallah, 36, was being treated there after being in an automobile accident. Sirhan said he had been emo-

tionally upset over his brother's trial; then in progress.

He testified he had been under a doctor's care and had been taking pills and injections at the time of the incident.

Sharif's attorney, George E. Shibley, said his client could not be held responsible for his actions because of his "diminished mental capacity."

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Arthur J. Goldberg, former U.S. ambassador to the United Nations, has asked California Gov. Reagan to commute the death sentence of the convicted killer of Sen. Robert F. Kennedy. In a letter Goldberg said he felt he could "presume" to make the request because the diary of Sirhan Bishara Sirhan, the accused killer, listed Goldberg for assassination as well. Goldberg told Reagan that "the evolving standards of decency that mark the progress of our society now condemn as barbaric and inhuman the deliberate institutionalized taking of human life by the state."

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Sirhan Retains 3 New Lawyers in Life Fight

Trio to Handle Doomed Assassin's Request for New Trial, Appeals to Higher Courts

BY ROBERT RAWITCH
Times Staff Writer

Sirhan Bishara Sirhan, convicted assassin of Sen. Robert F. Kennedy, has retained three new lawyers to handle his request for a new trial and appeals to higher courts, it was announced Wednesday.

George E. Shibley, a Long Beach attorney, told a press conference at the Ambassador that he would be joined by Luke McKissack, a Hollywood attorney, and Abdeen Jabara of Detroit, Mich., in assuming "principal responsibility" for Sirhan's appeals.

Grant B. Cooper and Russell Parsons, who along with Emile Zola Berman defended Sirhan in one of the nation's most celebrated trials, will serve in the capacity of "counsel" to the three new attorneys.

Family Request

Shibley said he was asked to enter the case by the Sirhan family because Sirhan felt "he should be on the defense team attorneys with a background in Palestinian affairs."

Both Shibley and Jabara are of Lebanese ancestry, although both were born in the United States.

Shibley and Sirhan's 21-year-old brother, Munir, visited Sirhan Saturday in his Death Row cell in San Quentin to obtain his confirmation in the change of attorneys.

"He appeared to have made up his mind as to the direction he wanted the case to follow," Shibley said.

Greater Emphasis

Shibley explained that greater emphasis will be given in appeal actions to the problems of Palestinian immigrants and the effect it had on Sirhan's "diminished capacity" to consciously premeditate and commit murder.

During the 15-week trial the defense was criticized by some members of the Sirhan family and pro-Arab groups for not concentrating more on the effects the Mideast crisis had on Sirhan.

Jabara, who was here during part of the trial and has been active in pro-Arab causes, is expected to prepare the major part of

the appeals brief having to do with that issue, Shibley said.

Judge Herbert Walker "erroneously denied" defense attempts to bring in Palestinian experts to testify on background which would show why Sirhan suffered from diminished capacity, he added.

While Cooper and Parsons will handle select sections of the appeals brief, McKissack, a 31-year-old criminal law attorney, will be the man directing future court battles.

Other Grounds

McKissack told newsmen that among other grounds for appeal would be the constitutionality of capital punishment, issues regarding jury selection and composition of the County Grand Jury.

Also critical to the appeal he said would be the question of the pretrial arrangement or "deal" made by the district attorney's office and the defense that if Sirhan were to plead guilty to second-degree murder he would receive no worse than life imprisonment.

Judge Walker refused to accept the arrangement and McKissack said, "It is a real issue whether or not a trial judge has that authority under the law."

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Two Arabs on Team to Appeal Case

Sirhan Gets New Lawyers

Appeal before the California Supreme Court for Sirhan Bishara Sirhan, condemned killer of Sen. Robert F. Kennedy, will be handled by three new attorneys, two of whom share Sirhan's Arab background.

"Sirhan feels that one of the factors that contributed to his death sentence was the situation in Palestine. He felt he should have on his defense team attorneys of Arabic origin," George E. Shibley, who will head the new team, announced yesterday at a press conference in the Ambassador Hotel where Kennedy was shot June 5, 1968.

Others working on the appeal will be Abdeen Jabara, Detroit, Mich., who acted as consultant during Sirhan's four-month trial here, and Hollywood attorney Luke McKissack, 31. Shibley, 59, of Long Beach, and Jabara are U.S. citizens but of Arabic origin.

Shibley said Sirhan's defense attorneys Grant B. Cooper and Russell E. Parsons will assist them as advisors. McKissack estimated opening briefs in the appeal will be written in December.

Sirhan, condemned to death April 23 by a jury and later

sentenced by Judge Herbert V. Walker, is now in Death Row at San Quentin prison.

Cooper said he and Parsons "are relieved to have the responsibility for perfecting the appeal shifted..." explaining the "demands upon our economic resources and the physical drain this past year have been great."



—Herald-Examiner Photo

GEORGE SHIBLEY, LEFT, LUKE MCKISSACK
Attorneys are part of team handling Sirhan appeal

(Indicate page, name of newspaper, city and state.)

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Sirhan Adds 2 Attorneys For Appeal

Sirhan Bishara Sirhan of Pasadena, convicted assassin of U.S. Sen. Robert F. Kennedy, has employed two new attorneys to head up his appeal from a death sentence.

Replacing Grant B. Cooper and Russell E. Parsons, Sirhan's principal attorneys throughout the lengthy murder trial which ended in Sirhan's conviction, are George Shibley and Luke McKissack.

Shibley, who maintains an office at Wilmington, and McKissack, a Hollywood attorney, will not bear the entire burden of the appeal filing and hearing.

Cooper said Wednesday he and Parsons would assist them on the appeal in the capacity "of counsel."

Sirhan was sentenced to the gas chamber by Superior Judge Herbert V. Walker and currently is on death row at San Quentin Prison.

(Indicate page, name of newspaper, city and state.)

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PASADENA

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NEWS

Date: 7-3-69
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Author:
Editor: SIRHAN
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JUL 9 1969	
FBI - LOS ANGELES	

(Mount Clipping in Space Below)

Kennedy Fined 4 Times Before

CHARLOTTESVILLE, Va. (AP)—Sen. Edward M. Kennedy was convicted on traffic charges on four separate occasions in the late 1950s.

Records of the Albemarle County Court disclosed that Kennedy, while a law student at the University of Virginia, was convicted of speeding 65 m.p.h. in a 55 m.p.h. zone in March, 1957, and fined \$15.

In June, 1958, he was convicted of reckless driving and fined \$35. On a separate conviction that same month for speeding—also 65 in a 55 zone—he was fined \$15. A charge of operating a vehicle without a license was suspended. Kennedy was convicted in December, 1959, of failing to stop for a traffic light and fined \$10.

(Indicate page, name of newspaper, city and state.)

I-6 Los Angeles Times
Los Angeles, Calif

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(Mount Clipping in Space Below)

'DON'T QUIT' DRIVE SET

TROY, N.Y. (AP)—From across the country, former campaign workers for the late Sen. Robert F. Kennedy gathered here Friday night to form a nationwide committee to keep Sen. Edward M. Kennedy from resigning his Senate seat.

The chairman of the group, Mrs. Nina Wiley of Ballston Spa, N.Y., said the campaign workers were called into action earlier this week in anticipation of Kennedy's statement over nationwide television Friday night.

(Indicate page, name of newspaper, city and state.)

I-7 Los Angeles Times
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Callers Flood Lines in Reply to Statement

Massachusetts Thrown in Uprow by Kennedy's Dilemma on Accident

By Associated Press

Massachusetts was thrown into an uproar Friday night over Sen. Edward M. Kennedy's emotion-charged statement on his auto accident last weekend. Kennedy, 37, said he was contemplating resigning.

The switchboards of virtually every newspaper and radio and television station in the state were jammed and Western Union reported it was doing a land office business relaying telegrams to the senator.

From barrooms to church socials, from crowded amusement parks to quiet residential areas, the talk was "Kennedy . . . Kennedy . . . Kennedy."

At the senator's Boston office, a spokesman said three incoming telephone lines were flooded.

"We got about 100 calls in half an hour and would have had more but people couldn't get through," the spokesman said. "I'd say about 99% were favorable."

Reaction to the senator's statement ranged from "brutally frank" to "I don't believe it."

'Everybody Has an Opinion'

"Everybody seems to have an opinion," one newspaper editor in Boston said. "And they're calling us to tell us about it."

One newspaper—the Springfield Union—said it would publish ballots this morning for an impromptu election.

An editor at the Boston Globe said: "All hell's breaking loose over here. I've never seen it like this . . . they're calling by the millions."

It was impossible to judge accurately which way sentiment was running.

The Globe said sentiment in favor of Kennedy remaining in office was overwhelming, but at the Boston Herald Traveler an editor said those in favor and those against him remaining were about even.

A spokesman at the Western Union office in Boston said: "It seems like we've handled about 95,000 calls since Kennedy was on television. Most of the people sending telegrams are all for him."

A similar situation was reported at the Western Union office in Worcester, in the central part of the state.

Among those calling the Boston Bureau of the Associated Press was Kenneth P. O'Donnell, aide to President John F. Kennedy and longtime friend of the Kennedy family.

"I think he ought to stay on," O'Donnell said. "I'd be very disappointed if he did not. I support him. I thought he showed tonight the kind of courage his brothers showed."

Kennedy pleaded guilty earlier in the day on Martha's Vineyard to leaving the scene of the auto accident which claimed the life of a young woman. He was given a two-month suspended jail sentence and a year's probation.

"I would understand full well why some might think it right for me to resign," the senator said in his televised statement.

"I ask you tonight, the people of Massachusetts, to think this thing through with me and in facing this decision I seek your advice and opinion."

Kennedy comes up for reelection next year.

Sen. Edward W. Brooke

(Indicate page, name of newspaper, city and state.)

I-1 LA Times
Los Angeles

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(R-Mass.) declined com-chusetts House Monday ment on Kennedy's state-urging Kennedy to remain in office.

So did Richard Cardinal Cushing, Roman Catholic archbishop of Boston and longtime friend of the Kennedy family.

Rep. Hastings Keith (R-Mass.) said: "I am glad that the senator has helped to clear the air of the rumors. I hope that he and we can get back to the business at hand."

The Speaker of the Massachusetts House, David Bartley (D-Holyoke), sent Kennedy a telegram saying: "I urge you to continue your work on behalf of all of us. Our prayers are with you."

Bartley also said he planned to introduce a resolution in the Massa-

Big city reaction to the statement was as divided as that in the state's smaller towns.

In Boston, for example, James J. Kenney, a bartender, said he disagreed with Kennedy, but he wouldn't elaborate.

But a waitress in the same establishment, Ruth Jarvis, said: "I thought he was terrific . . . It could happen to anyone. I hope he doesn't resign."

In Acton, a small, affluent town about 30 miles west of Boston, Fletcher W. Burger, a baking company executive, said he had supported Kennedy previously but would "think very hard before doing so again."

"If this had been my son or your son," Burger said, "things could have gone differently."

Kennedy received the minimum sentence allowable under the law. He could have received as much as two years in jail.

(Mount Clipping in Space Below)

Kennedy Wins Prompt Support of Mansfield

Majority Leader Votes 'Full Confidence' but Other Colleagues Are More Cautious

BY JOHN H. AVERILL

Times Staff Writer

WASHINGTON — Sen. Edward M. Kennedy (D-Mass.) won a prompt vote of "full confidence" Friday night from his Senate leader, Mike Mansfield (D-Mont.).

"I want Sen. Kennedy to return to the Senate and assume his duties as assistant majority leader," said Mansfield, the Senate majority leader. "He has my full confidence and support."

A more cautious reaction came from Sen. Edmund S. Muskie (D-Me.), the 1968 Democratic vice presidential nominee and a potential presidential contender in 1972.

Muskie told a press conference at Louisville, Ky., that the Kennedy telecast showed "Kennedy the man." However, Muskie added that "obviously political questions remain to be answered."

For the most part the verdict of Kennedy's Senate colleagues remained to be rendered. Many could not be reached for comment. Others were reluctant to pass an immediate judgment.

No Dirksen Comment

Among those withholding their opinion was Senate minority leader Everett M. Dirksen (R-Ill.).

"No comment," was his terse message relayed through his wife.

Sen. George Aiken (R-Vt.), the dean of Senate Republicans and one of Kennedy's fellow New Englanders, said he believed Kennedy had been damaged politically, particularly his presidential prospects.

"They are not so good as they were," Aiken said. "There are always those who will make the most of somebody's misfortune."

But Aiken said Kennedy "told the truth" and should return to the Senate, "the sooner the better for his sake."

"He'll soon find out whether he can take it," Aiken added. "The pressure comes from within."

A high-ranking Senate Democratic aide said he felt the young Massachusetts senator emerged from his ordeal "in good shape," adding, "But I doubt that he is going to concentrate on Massachusetts."

Effect on Party

This appraisal reflected the attitude of many Senate Democrats even before Kennedy went on national television. There was a growing concern that Kennedy's accident could have an adverse effect on the Democratic party's fortunes in next year's congressional elections.

Until last weekend's accident in which his woman passenger was drowned, Kennedy had been widely regarded as the most glittering personality in the party and the man who could be most effective in raising funds for Democratic candidates. He also was in demand as a campaign speaker for candidates facing reelection next year.

But the accident raised doubt as to how effective Kennedy might be as a fund-raiser and whether his magic as a crowd-attractor still remained.

A liberal Democratic senator from the Midwest said candidates "who have been counting on Ted to raise \$1 million for them may have to settle for a lot less."

With the Democratic majority in the Senate now down to 57-43, Kennedy's misfortune has been viewed as a blow to his party's hopes of maintaining control of the Senate.

Kennedy's troubles, some observers felt, could have a fallout effect on Democratic candidates who have been particularly close to the Kennedy family. Those include Sen. Joseph D. Tydings (D-Md.) and Rep. John V. Tunney (D-Calif.).

Tydings, a political intimate of the late Sen. Robert F. Kennedy, is expected to have a tough reelection battle next year. Tunney, who was a Harvard classmate of Ted Kennedy's, is expected to seek the Democratic nomination to oppose Sen. George Murphy (R-Calif.) next year.

(Indicate page, name of newspaper, city and state.)

I-9 LA Times
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Despite doubts about Kennedy's future, he drew expressions of support from some of his close Senate friends.

Sen. Fred Harris (D-Okla.), who also is Democratic national chairman, said he was "confident that the people of Massachusetts will overwhelmingly support him."

"Ted Kennedy has my unqualified support," Harris said.

Sen. George S. McGovern (D-S.D.), who made an unsuccessful attempt for the Democratic presidential nomination last year after Robert Kennedy's death, said:

"I share Sen. Kennedy's hope that he will have the strength to put this tragedy behind him and to continue the brilliant career I believe history has marked for him. My heart goes out to him and his family as well as to the family of the splendid girl who was killed."

(Mount Clipping in Space Below)

Kennedy Asks Public Aid in Deciding if He Should Quit

BY RONALD J. OSTROW and DON IRWIN,

Times Staff Writers

HYANNIS PORT, Mass. — Sen. Edward M. Kennedy (D-Mass.) questioned Friday night on nationwide television whether he should resign his Senate seat.

Kennedy coupled a fuller explanation of his actions following an automobile accident that drowned his woman passenger with a plea to Massachusetts citizens to help him decide whether to remain in the Senate.

Asking his constituents for their advice and opinions on the decision, Kennedy, his voice strained with emotion, added:

"In making it, I seek your prayers."

Kennedy called his more than 9-hour delay in reporting the accident

Text of Sen. Kennedy's statement on Page 8, Part 1.

last weekend to police "indefensible."

The speech, broadcast from the living room of Joseph P. Kennedy's house inside the family compound at Hyannis Port was an extraordinary display of self-doubt by any politician, but particularly by a leading presidential prospect.

It came less than 12 hours after Kennedy pleaded guilty in Dukes County District Court here to the misdemeanor crime of leaving the scene of an accident and received a two-month suspended jail sentence.

Pronouncing the sentence which automatically put Kennedy on one-year probation, Judge James J. Boyle said Kennedy "has already been and will continue to be punished far beyond any sentence this court could impose."

Kennedy's speech, which could serve the same purpose as the famous "Checkers Speech" in which Richard M. Nixon solicited the support that kept him on the Republican ticket as the vice presidential nominee in 1952, is believed to have been in preparation for several days. However, it was

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understood from a source close to the family that the final decision to go ahead with it was not reached until Thursday night.

In the speech, Kennedy filled in some, but not all, of the questions left by his explanation to Edgartown police last Saturday of the accident and the hours that followed.

He spoke warmly of the victim, Mary Jo Kopechne, 28, a former secretary and campaign aide to his late brother, Sen. Robert F. Kennedy, calling her a "gentle, kind and idealistic" person.

Kennedy was driving Miss Kopechne from a reunion on nearby Chappaquiddick Island of workers in his brother's 1968 presidential campaign when his 1967 Oldsmobile plunged off a narrow bridge into 8 feet of swiftly moving water.

Kennedy said there is "no truth—no truth whatever—to the widely circulated suspicions of immoral conduct that have been leveled at my behavior and hers regarding that evening. There has never been a private relationship between us of any kind."

"Only reasons of health" prevented his wife, Joan, from attending the reunion, Kennedy said.

Widespread Rumor Denied

The Massachusetts senator went on to deny perhaps the most widespread rumor concerning the accident:

"Nor was I driving under the influence of liquor," he said.

After his car plunged into the water, Kennedy said he thought "I was for certain drowning."

He said he struggled to the surface and then made repeated efforts to rescue Miss Kopechne, but these efforts only increased his utter exhaustion and alarm.

Kennedy said he lay on the grass, presumably on the bank of the channel, for "an undetermined time."

Instead of summoning help from nearby, Kennedy said he walked the 1.2 miles back to the cottage where the reunion was being held and

requested the help of two friends — his cousin, Joseph Gargan and Paul Markham, former U.S. attorney in Boston.

They returned with him to the scene of the wreck and joined in the rescue attempts.

"Their strenuous efforts, undertaken at some risk to their own lives, also proved fruitless," Kennedy said.

Kennedy said he instructed Gargan and Markham "not to alarm Mary Jo's friends"—the other five girls inside the cottage. Instead, they drove to the ferry but found the ferry service had closed down for the night.

Kennedy said he "jumped into the water and impulsively swam across" the 150-yard channel, "nearly drowning once."

Presumably, Gargan and Markham stayed on shore. There was no explanation for their apparent failure to summon police or other aid.

Kennedy said he returned to his hotel, the Shiretown Inn, about 2 a.m. and "collapsed in my room." He said he recalled going outside his room later and saying something to the room clerk.

Russell Peachey, a co-owner of the Shiretown, said Friday night that Kennedy had come down the stairs from his room at 2:25 a.m. and said he had been awakened by the noise from the Colonial Inn next door.

Asks the Time

Peachey said Kennedy asked him the time and the hotel owner told him it was 2:25 a.m. Kennedy returned to his room, Peachey said, making no reference to the accident.

Peachey said he waited until after Kennedy's statement to speak out because he was not certain that the man was Kennedy.

The following morning Kennedy said he returned to Chappaquiddick Island and attempted to call Burke Marshall on a public telephone near the ferry. Marshall, an intimate friend of the Kennedys, was an assistant attorney general for civil rights when Robert Kennedy was attorney general.

Kennedy, recalling the "scrambled thoughts" that went through his mind during the time immediately following the accident, said he wondered "whether some awful curse did actually hang over the Kennedys . . . whether somehow the awful weight of this incredible incident might in some way pass from my shoulders."

"This last week has been an agonizing one for me and the members of my family," Kennedy said.

"The grief we feel . . . will remain with us the rest of our lives."

"These events . . . in-
tending . . . my admission
of guilt this morning,"
Kennedy said, "raise the
question in my mind of
whether my standing
among the people of my
state has been so impaired
that I should resign my
seat in the United States
Senate."

Noting that Massachu-
setts has been repre-
sented in the Senate by
such historic giants as
John Quincy Adams, Da-
niel Webster and his as-
sassinated brother, John
F. Kennedy, he said the
state's citizens are entitled
to representation by "men
who inspire their utmost
confidence."

The only outsiders pre-
sent when Kennedy deliv-
ered the speech were
dozen television techni-
cians. All reporters were
barred from the Kennedy
compound.

Present were the sena-
tor's wife, his sister, Jean,
and her husband, Stephen
Smith, another sister, Pat
Lawford, and their moth-
er, Mrs. Rose Kennedy,
and "other friends" ac-
cording to a Kennedy aide.

Judge Boyle Friday
morning cited "the un-
blemished record of the
defendant" and the fact
that he had not attempted
to conceal his involvement.

Under Massachusetts
law, the suspended sen-
tence will automatically
place the 37-year-old sen-
ator under a year's proba-
tion, newsmen were told
by Dukes County Special
Prosecutor Walter E.
Steele. Kennedy's proba-
tion officer will be Mrs.
Helen Tyra of Edgartown,
the largest village on the
resort island of Martha's
Vineyard, Steele said.

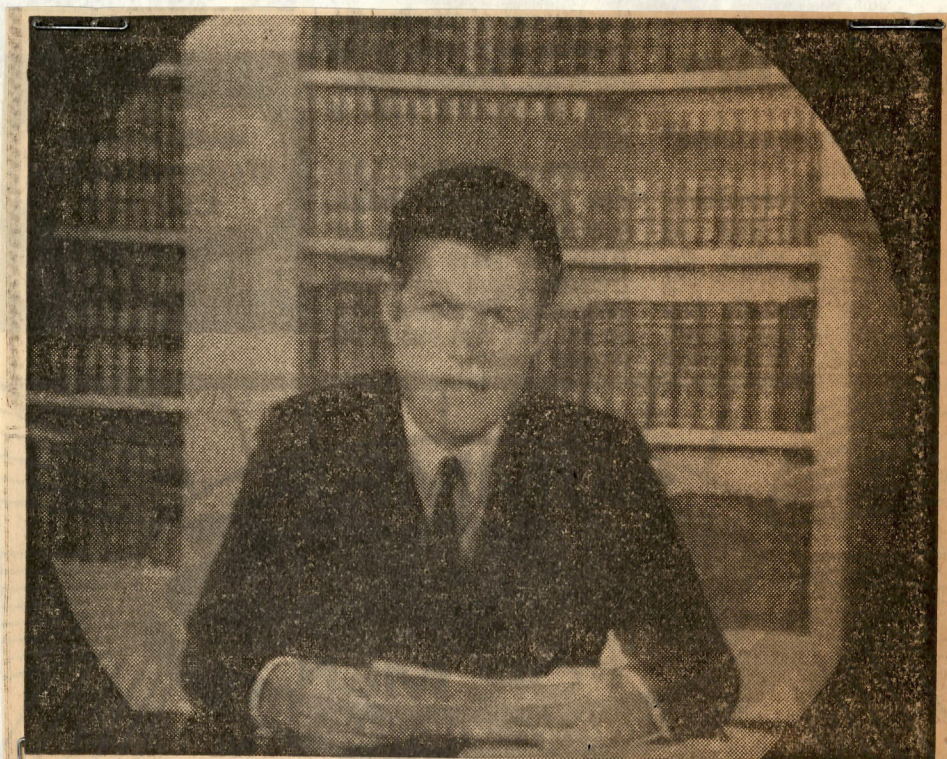
Steele said the guilty
plea ended the case as far
as he was concerned. As in
all cases, he added, if there
is new information "we
would take another look."



KENNEDYS LEAVE COURT—Sen. Edward M. Kennedy (D-Mass.) emerges from Dukes County courthouse in Edgartown, Mass., with wife Joan

after he pleaded guilty of leaving scene of fatal auto accident. Kennedy was given a two-month suspended sentence and was placed on probation.

(AP) Wirephoto



KENNEDY ON TV—Sen. Edward M. Kennedy (D-Mass.) appears on national television to discuss an auto accident in which a young secretary was killed.

(AP) Wirephoto

(Mount Clipping in Space Below)

Sirhan Brother Wins Acquittal in Hospital Ruckus

By J. ROBERT SMITH
Staff Writer

A jury of nine women and three men in Pasadena Municipal Court Tuesday acquitted Sharif Bishara Sirhan, 33, who was charged with creating a disturbance at St. Luke Hospital last March 28.

Sharif, the brother of convicted assassin Sirhan Bishara Sirhan, had gone to the hospital to see another brother, Saidallah, 36, who had been taken there suffering from injuries recieved in a traffic accident that day.

While in the intensive care room, Sharif was arrested by Pasadena Police Lt. R. E. Smith and charged with the crime.

According to testimony, Sharif was stopped on Arroyo Parkway early in the morning and issued a citation by California Highway officers for speeding on the Pasadena freeway.

While the citation was being written Smith joined the group, and after learning that Sharif was on his way to the hospital also wound up there.

Testimony revealed that he followed Sirhan into the intensive room area and after what the officer termed a disturbance, he arrested Sirhan.

Commenting on the verdict, Long Beach attorney George E. Shibley said, "I think Smith persecuted my client. I don't want to attack the Pasadena police department because they have been very kind to the Sirhan family, however, I feel that there was some personal motive that Smith had."

Sharif had testified that Smith had said to him, "We are going to shoot you all," while the CHP officers were writing the citation. Sharif also told the jury that Smith had pulled his gun on him, which the officer denied.

Regarding the verdict, Judge Daniel L. Fletcher said to the jury, "I want the jury to know we appreciate the time and effort spent in this case, and I respect the verdict."

Assistant City Prosecutor Dave Press commented, "It's difficult for me to see how the jury could arrive at such a verdict unless they bought the defense counsel's argument on diminished mental capacity."

Sharif had testified that he had no memory of creating any disturbance at the hospital.

(Indicate page, name of newspaper, city and state.)

PAGE I
PART I

"PASADENA
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NEWS"

PASADENA CALIF

Date: 6-25-69
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JUN 27 1969

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Sirhan Brother Arraigned on Traffic Counts

Exclusive to The Times from
a Staff Writer

OCEANSIDE — Adel Bishara Sirhan, elder brother of the slayer of Sen. Robert F. Kennedy, was arraigned Thursday in North San Diego County Municipal Court on misdemeanor charges of drunken driving, speeding, driving without a license and driving on the wrong side of the road.

Sirhan, 30, who lives at 696 E. Howard St. in Pasadena, pleaded innocent before Municipal Judge Charles Roick and asked to be represented by a public defender. A jury trial was scheduled for Oct. 2.

Sirhan was arrested late Wednesday after police said they observed him driving erratically in downtown Oceanside. Upon his arrest, police said, Sirhan refused to make telephone calls and objected to being photographed. He was released on his own recognizance after Thursday's arraignment.

His brother, Sirhan Bishara Sirhan, is under a death sentence for his first-degree murder conviction in the death of Kennedy in 1963.

(Indicate page, name of newspaper, city and state.)

II-2 LA Times
Los Angeles

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Sirhan's Brother Explodes in Court

By J. ROBERT SMITH
Staff Writer

Memories of the Sirhan Bishara Sirhan assassination trial in Los Angeles were still being recalled in a Pasadena courtroom Monday as his 33-year-old brother, Sharif Bishara Sirhan, continued his verbal explosives.

Sirhan is charged with disturbing the peace at St. Luke Hospital last March 28, after his brother Saidallah had been taken there suffering from injuries suffered in a traffic accident.

Several times Municipal Court Judge Daniel L. Fletcher admonished Sirhan not to volunteer any information and to take the advice of his lawyer.

An irritated defense attorney, George E. Shibley who many times had chided Sirhan about his actions asked Judge Fletcher, "May I swear at him in Arabic?"

Sirhan became infuriated when he was being cross-examined by assistant Dep. City Prosecutor Dave Press.

Like his convicted brother Sirhan, Sharif claims that he cannot remember some of the incidents that are alleged to have taken place at the hospital which led to his arrest.

He is basing his defense on diminished capacity, the same as his brother's. In that phase he testified that he had been under a doctor's care for tension and nerves since the assassination of Sen. Robert F. Kennedy, and the alleged shooting at his brother Saidallah on the Pasadena Freeway.

Sirhan testified that he was unable to remember having blown up in court earlier in the day. He said, "I have often been told by my mother that I have no memory of when I blow up."

His brother also claimed that he had no memory of having written in some notebooks.

The jury trial resumed this morning in Dept. 4, 321 E. Colorado Blvd.

Meanwhile, it was learned in Washington that the government's effort to deport Munir Bishara Sirhan, 21, who is attending his brother's trial, was placed before the Board of Immigration Appeals Monday.

The deportation case against Munir, a native of Palestine, has been under way since his conviction of possession and transfer of marijuana, Oct. 13, 1966.

The Appeals Board took the case under advisement.

(Indicate page, name of newspaper, city and state.)

PAGE I

PART I

PASADENA

STAR

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PASADENA

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SIRHAN BROTHER FREED IN HOSPITAL ROW TRIAL

Sharif Bishara Sirhan, 37, brother of the condemned slayer of Sen. Robert F. Kennedy, has been acquitted of disturbing the peace charges.

He pleaded "diminished mental capacity" yesterday, the same defense used by Sirhan Bishara Sirhan—now on San Quentin's death row.

A nine-woman, three-man Municipal Court jury deliberated three hours before finding Sirhan innocent of creating a disturbance at the intensive-care unit of St. Luke's Hospital March 28.

Another brother, Saifallah, 36, was being treated there after being in an automobile accident. Sirhan said he had been emo-

tionally upset over his brother's trial, then in progress.

He testified he had been under a doctor's care and had been taking pills and injections at the time of the incident.

Sharif's attorney, George E. Shibley, said his client could not be held responsible for his actions because of his "diminished mental capacity."

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A-10

LOS ANGELES

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EXAMINER

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False Arrest Suit Filed by Sharif Sirhan

A claim of an estimated \$100,000 for false arrest was filed Tuesday against a Pasadena police lieutenant and the City of Pasadena by Sharif B. Sirhan, brother of convicted murderer Sirhan Bishara Sirhan.

The claim was filed by Sharif's attorney, George E. Shibley, of Long Beach, who defended him, and is reported to be a new addition to the appeal staff of attorneys in the convicted murderer's case.

The claim was directed to the Pasadena Board of City Directors, and R. E. Smith was named as the arresting officer. The matter is expected to be on the agenda of the next board meeting.

Sharif was acquitted two weeks ago by a jury of a charge of disturbing the peace at St. Luke Hospital, last March 28.

Sharif is claiming special damages estimated between \$1,500 and \$5,000, and general damages in the sum of \$100,000 for malicious assault and battery, personal injuries, false arrest and malicious prosecution.

He is seeking damages incurred by posting of bail bond, expenses for attorney's fees, medical and other treatment, loss of earnings, and damages to his reputation.

The claim is the result of Sharif being arrested by Smith in the intensive care ward of the hospital, where another brother, Saidallah, had been taken following a traffic accident.

The case was unsuccessfully prosecuted by assistant city prosecutor Dave Press.

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PART 2

PAGE 1

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Sirhan Choice: Death Instead of Insanity?

WASHINGTON (UPI) — A psychiatrist said Sunday that Sirhan B. Sirhan let himself be found guilty of first degree murder in the assassination of Sen. Robert F. Kennedy and be sentenced to death rather than admit he is a schizophrenic.

"Sirhan wants everybody to consider him a cool and rational assassin," said Dr. Bernard L. Diamond, a psychiatric witness in the trial. "He believes himself to be a fantastic martyr who by his noble act of self-sacrifice has served his people, the Arabs and become a great hero."

In an interview printed in Psychology Today, Diamond said that "Sirhan is ready to die in the gas chamber to protect this heroic fantasy."

Diamond, 56, professor of law and psychiatry at the University of California and acting dean of Berkeley University's School of Criminology, said persons accused of serious crimes frequently conceal mental illness even though it would constitute an adequate defense at their trial.

Diamond, who put Sirhan under hypnosis during his pretrial examinations, said the defendant as an Arab child in the first Israeli war underwent bombing and shelling and that his condition deteriorated after he came to the United States.

"... he became preoccupied with revolution, violence, dreams of glory, power and becoming the savior of his people," the psychiatrist said.

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A-11 Herald Examiner
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FBI — LOS ANGELES	
A. O. Richards (102)	

(Mount Clipping in Space Below)

Ruling Slated This Week in Kennedy Case

WILKES - BARRE, Pa. (UPI) — Presiding Judge Bernard C. Brominski of Luzerne County Court will hand down a ruling this week on a Massachusetts request for an autopsy on the body of Mary Jo Kopechne, killed in Sen. Edward M. Kennedy's car.

"I'm working on it right now and I'll work through the Labor Day weekend," the judge said Saturday. "I expect I will announce my decision next Tuesday or Wednesday."

Judge Brominski said his decision would be on whether he has the authority or jurisdiction to order exhumation and autopsy of the girl's body, as requested by Dist. Atty. Edmund Dinis of New Bedford, Mass.

Asked to which court Dinis might appeal if Brominski held that he lacked jurisdiction, he replied:

"That's Mr. Dinis' problem. I'm not being facetious when I say I don't know. My problem is a ruling on the motion."

Dinis was preparing for the start of an inquest Wednesday at Edgartown, Mass., into Miss Kopechne's death.

Brominski's ruling will come on a motion filed on behalf of the girl's parents, Mr. and Mrs. Joseph Kopechne, of Berkeley Heights, N.J., who asked the court to reject the Dinis request, charging it failed to set forth sufficient facts to warrant autopsy.

(Indicate page, name of newspaper, city and state.)

A-4 Los Angeles Times
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(Mount Clipping in Space Below).

Sirhan Trial Judge Refires From Bench

BY RON EINSTOSS
Times Staff Writer

The judge who presided over one of the most significant trials in the nation's history officially retired over the weekend from the Superior Court bench.

Herbert V. Walker, who turned 70 today, is confined to his Glendale home recuperating from a heart attack suffered July 3—barely six weeks after he formally sentenced Sirhan B. Sirhan to death for the assassination of Sen. Robert F. Kennedy.

Although he has hung up his robe, Judge Walker will not debate what was the most controversial decision of his lengthy and distinguished career, which included nearly 16 years on the bench.

Early in the Sirhan trial, he vetoed an agreement which would have permitted Sirhan to plead guilty to first-degree murder in return for life imprisonment.

The crusty, white-haired and bushy-browed jurist maintains that he was correct in ruling that the public was entitled to hear from the witness stand all the facts in the historic case.

Wanted Jury Decision

"I didn't want the decision on his guilt or innocence or his penalty determined by a bunch of psychiatrists, but by a jury," he said last week in his sycamore tree-covered patio.

He was referring, he said, to the fact that Dist. Atty. Evelle J. Younger agreed to accept a defense offer to plead guilty (in exchange for a life prison term) because psychiatrists who examined Sirhan said he might not have fully understood the nature and consequences of his heinous act that night 14 months ago.

Walker's entire career as a public servant, which began in 1928 when he became a deputy commissioner of corporations for the state, has been marked by one trait — stubbornness.

In 1943, when Walker was appointed chief deputy district attorney (succeeding, coincidentally, Sirhan's chief counsel, Grant B. Cooper), then Dist. Atty. Fred N. Howser described it in another way.

"No one is going to push him (Walker) around."

And no one, Walker says proudly, ever has.

Once known as a tough judge — perhaps because he has sentenced 20 men to die—Walker mellowed in recent years as he seemed to enjoy his status as the dean of the criminal court bench in Los Angeles County.

The firmness that led countless attorneys to challenge him for prejudice—indirectly conceding they did not have a very good case—appeared to begin softening five years ago, just about the time the Criminal Courts Bar Assn. (composed of those same attorneys) paid special tribute to him at its annual dinner.

"His standards of fairness and justice have been in the highest tradition of judicial responsibility," was the inscription on the plaque presented to him.

Explained Walker last week:

Some Opposition

"No one ever accused me of being easy, but yes, I suppose you can say I mellowed as I gained experience and began tempering my judgment with mercy.

"But it didn't bother me when they said I was a tough judge because I always felt I was right.

"I could always sit alone with myself in peace."

There were some judges here who opposed Walker's selection to try the important Sirhan case.

A younger man was needed, they thought, noting that the trial would be a demanding and lengthy one.

But last Sept. 19, after he returned from a trip to Europe with his wife, Alice, Walker got the assignment that was to be

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I-A 8 Los Angeles Times
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the capstone of his career.

No one, his backers said, better filled one of the main criteria established by then-Presiding Judge Donald R. Wright and Judge Richard Schauer, who headed the criminal departments of Superior Court: The judge picked to try Sirhan would have to have wide criminal court experience.

Because Sirhan's conviction is being appealed, Walker discusses it cautiously, repeating what he said when the jury reached its verdict:

"I thought then, and I've heard nothing since to change my mind, that the jury's decision was a correct one."

He also says all the facts were brought out during the trial and that all the "pertinent" questions were answered.

"I am convinced—and there is absolutely no credible evidence to the contrary—that there was no conspiracy to kill Sen. Kennedy," he declared.

In rejecting the offered plea agreement, he said he never considered the fact that such an arrangement would save the court's time and the taxpayers' money.

"Justice is not measured by either time or money and I've never let those factors—in any case—determine my decision," he said.

Law, Not Emotions

His philosophy on the bench these many years, he said, has always been to follow the law.

Even now he won't say whether he personally favors capital punishment, noting that the only thing important to him is that it is the law in California.

A lay leader in the Episcopal Church, which opposes the death penalty as a matter of principle, Walker does, however, maintain that capital punishment is not cruel and unusual or barbaric.

And he believes it serves as a deterrent, even though he presided over a precedent-setting hearing that may lead to its abolition.

In November, 1967, he rejected an ACLU contention that the death penalty is unconstitutional in the case of Robert E. Thornton, a convicted kidnaper, robber and sex pervert.

Could Be Decisive

That case now is on appeal and theoretically could be the one that sounds the death knell for capital punishment.

At the conclusion of the 12-day hearing, Gerald Gottlieb, one of the ACLU lawyers, said of Walker, despite his adverse ruling:

"His labors will constitute a lasting contribution to American law."

Walker agrees with assertions that the most neglected part of criminal law is too little emphasis on rehabilitation of convicted felons.

The problem of rehabilitating the criminal who has been in jail for so long he becomes institutionalized also must be solved, according to Walker.

He thinks California is the most advanced of all states in this respect with its presentencing reports, diagnostic examinations and indeterminate sentencing.

The parole system, he said, is a good one, although errors are made "because it is operated by men who are subject to making mistakes."

The Walkers have three children, one of whom, Herbert W. Walker, practices law in Santa Ana.

It will be about three months before Judge Walker will be able to resume a normal life.

"Right now I'm in the dumps because I feel so helpless," he said.



Judge Herbert V. Walker

(Mount Clipping in Space Below)

Sirhan Case Shows Error in Swallowing Psychiatry Whole

BY MARTIN L. GROSS

The spectacle earlier this year of opposing psychiatrists debating the mental condition of assassin Sirhan Sirhan, provided disquieting thoughts for a nation which has given extensive "police powers" over to the psychiatric profession under our archaic laws of forced commitment for the mentally ill.

Estimates place the mental institution population at a half million, 90% of whom have been incarcerated against their will. Widespread involuntary commitment began at a time in our history when "insanity" still conjured up images of hostile, dangerous souls. Today, with psychiatric pharmacology reducing violent behavior and with better understanding of patient needs, several European nations reserve the "police power" against the mentally ill only for special occasions, permitting the great majority to enter and leave hospitals at will.

In America, for all the platitudinous comments about mental illness being "like any other sickness," it is still treated much like a crime, generally with the patient's incarceration and removal of his civil rights upon court commitment after certification by psychiatrists. This loss of rights includes voting, signing of contracts, driving a car, spending one's own money and other activities taken for granted in a civilized community.

★

Shouldn't society be protected against possible harm from the mentally ill? Dr. Thomas Szasz, professor of psychiatry at the State University of New York, and outspoken defender of patients' rights, points out that such harm is generally not a threat, and that patients are deprived of liberty for the convenience of the community.

"Commitment shields the non-hospitalized members of society from having to accommodate the annoying or idiosyncratic demands of persons who have not violated any criminal statutes," he writes in the current University Review.

This prominent and controversial psychiatrist also challenges the accuracy of the medical-semantic term "mental illness," for which he has been under heavy attack by his colleagues. But on the question of depriving a patient of liberty in order to treat him (or her), Dr. Szasz has presented potent charges and cogent unanswered questions.

Patients with cancer and heart disease may be dying, but they are not legally forced to take treatment. Why are supposed victims of mental illness required to undergo therapy against their will even if they are judged as not harmful to others?

Dr. Szasz brings to mind the Sirhan psychiatric fiasco with another forthright charge. "Probably the most dangerous effect of involuntary psychiatric interventions in a mass society comes from the trend to accept the testimony of psychiatric 'experts' as 'scientific' and therefore 'true,'" he says. "Thus one man's opinion of another receives much more weight than it should."

Despite continual disagreement by psychiatrists in individual sanity cases, the psychiatric profession's faith in its own expertise is not shaken. This was illustrated by a representative of the American Psychiatric Assn. testifying before a House hearing on the "Constitutional Rights of the Mentally Ill." The psychiatrist intelligently criticized removal of patients' civil rights and the discouragement of voluntary treatment, but presumptuously asked that involuntary commitment be made even easier.

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G-7 Los Angeles Times
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He suggested that the patient need not be "notified" of the court action against him, and be committed simply by "an application to the hospital by a close relative or a friend, and certification by two qualified psychiatrists that they have examined the subject and found him to be mentally ill."

In the name of healing, psychiatry is seeking even greater police power. Dr. Szasz believes that most commitments stem from family desire to eliminate one bothersome member, a trend that would be encouraged by easier psychiatric commitment. The danger to the patient is not unreal. A former governor of Ohio has stated that half the committed patients over 65 in the state's mental institutions were later found not to be mentally ill.

What about the patient who may be dangerous to himself, if not to others? Dr. Szasz has expressed the opinion that potentially suicidal patients should not be restrained indefinitely just because they might kill themselves, inferring that mental hospitals can never be free medical environments if that fear paralyzes their operation.

★

His recommendations? The end of involuntary commitment for the non-criminal mentally ill. All the quasi-criminal trappings of mental hospitalization — commitment, locked doors, fingerprinting, loss of civil rights—should be abolished. Most patients, he is convinced, would voluntarily seek help if the penal atmosphere of the system were eliminated. Mental illness, he adds, should not be used as an excusing condition in criminal trials.

Dr. Szasz's arguments are charged with emotional and intellectual fervor. Undoubtedly some homicidal-prone mental patients need to be restrained, but the cogency of many of Dr. Szasz's arguments cannot be denied.

(Mount Clipping in Space Below)

Sirhan Mother Plans United Nations Plea

Mrs. Mary Sirhan, mother of telegraphed Thant saying she expected to arrive at the UN Monday.

If she is not admitted to a General Assembly session, she said, she will attempt to speak from the steps of United Nations headquarters.

Mrs. Sirhan said she had conceived of the trip months ago, and had finally decided to make it after a recent visit to her son on San Quentin's death row. She described Sirhan, now waiting out an appeal on his death sentence, as acting like a "rat in a trap."

The grey-haired diminutive Arab woman said she would appeal to the UN for her son, for all others awaiting the death sentence in California, for world peace and the cause of the Palestinian Arabs.

The 57-year-old Arab immigrant woman left her Pasadena home yesterday after an emotional news conference at which she announced she had asked Secretary General U Thant for 15 minutes to speak before the UN's General Assembly. She said she had no indication whether the international body would agree to hear her plea.

Mrs. Sirhan, her son Munir, 22, and a family friend whose identity was not disclosed are travelling to New York in a rented car.

She said yesterday she had

(Indicate page, name of newspaper, city and state.)

A-2 Herald Examiner
Los Angeles, Calif.

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Will PLEAD ASSASSIN SON'S CASE
Mrs. Sirhan and son Munir before leaving for New York City

(Mount Clipping in Space Below)

Mrs. Sirhan Hopes to Talk at U.N. 'in Search for Peace'

BY DAVE SMITH

Times Staff Writer

The mother of the assassin of Sen. Robert F. Kennedy said Wednesday she is going to New York to try to talk to the United Nations "in search for peace."

"I will take only a few minutes," she promised.

In New York, however, a U.N. spokesman said that under the rules of the world organization "no individual can address the General Assembly."

Mrs. Mary Sirhan, in a front porch news conference at her modest white frame house in Pasadena, admitted:

—She has not been in contact with U.N. officials.

—She has nowhere to stay in New York and knows no one.

—Her attorneys are opposed to the trip and have told her she is too weak to make the trip.

—Her son, Sirhan Bishara Sirhan, now in San Quentin's Death Row, does not yet know of her plan.

—And she is not quite sure what she wants to talk about when she gets there.

But, she said, "sometimes we simple people . . . They might hear our cry to them."

Mrs. Sirhan, 57, said she planned to leave immediately after the Wednesday morning news conference with her son, Munir, 21, doing the driving. She said a woman friend — "And she is Jewish, too!" — would go with them. The Sirhans did not name the woman.

Mrs. Sirhan, wearing her light blue, polka-dotted traveling dress, greeted reporters with a broad smile and handshake, then led them into her tiny, spotless living room for coffee and baklava she made herself.

(Indicate page, name of newspaper, city and state.)

L-3 Los Angeles Times
Los Angeles, Calif.

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She said that visits to her imprisoned son have made her determined to try to speak at the United Nations for the last six months. "I can't sleep, I can't eat, I can't rest," she said, adding that she believed her plea, if she may be heard, might in some way help her son.

She said she would immediately send a telegram U.N. Secretary-General U Thant "to tell him I'm on my way."

The telegram, read by Munir, said: "I wish to talk before the General Assembly next week in search for peace in the Middle East. I will take only a few minutes. If all goes well with the automobile, I will

be in New York Monday, Oct. 13. I will phone you then. Thank you very much."

Mrs. Sirhan said she is "not accusing anyone" because of her son's fate. "I know America is full of justice," she said, but she said her plan might influence America to be more merciful.

Asked what she would do if she cannot speak, Mrs. Sirhan said, "I would even stand outside the door and say what I think, what is in my heart."

Mrs. Sirhan said she has had financial hard times in the six months since Sirhan was convicted.

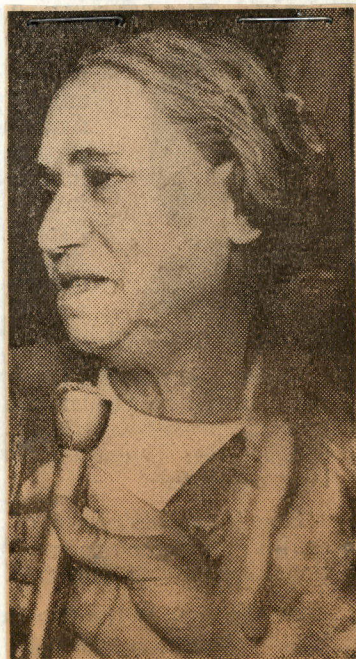
But she said she has rejected several large offers from magazines—one of \$15,000 and another of \$22,000—for stories about her family.

"I cannot take money for this thing," she said. "I don't sell my son. I don't accept any money for innocent blood."

She said one son, Adel, 30, is working somewhere in the state of Washington and sends money when he can.

Munir, 21, has been unable to find work since the highly publicized trial—he has badly impaired eyesight—and she has not felt emotionally able to return to her old job at a church nursery school, she said. "When you care for children, you must be able to concentrate on them," she said.

Mrs. Sirhan said she had no qualms about the trip. "God will be with us," she said. "God is every place."



Mrs. Mary Sirhan

Times photo

(Mount Clipping in Space Below)

Sirhan's Mother Talks to Thant Aide on Mideast Peace

Exclusive to The Times from a Staff Writer

NEW YORK—The mother of the assassin of Sen. Robert F. Kennedy attained a partial victory Monday in her effort to appear before the United Nations on behalf of peace in the Middle East.

Mrs. Mary Sirhan did not get her wish to speak to the General Assembly, but was given a 15-minute interview with Undersecretary for General Assembly Affairs Constantin A. Stavropoulos.

Both Mrs. Sirhan and U.N. officials were reported satisfied with the compromise.

The diminutive, Jerusalem-born mother of Sirhan Bishara Sirhan told newsmen in Pasadena last Wednesday that she and her son, Munir, 21, were departing that afternoon by car for New York.

She admitted she had had no previous contact with U.N. officials, but expressed confidence that she would get to set forth her views. She said she would deliver it from the front steps, if necessary.

Telephone Thant's Office

The Sirhans arrived in New York early Monday and telephoned the office of Secretary-General U Thant. Unaware of her intentions—or her whereabouts at the time of the call—Thant's aides told her to call back at 3 p.m. to speak to Stavropoulos.

Instead, she simply appeared at his office at the appointed hour.

Munir told The Times that his mother and Stavropoulos discussed the tension in the Middle East, the plight of homeless Palestinian refugees, and her conviction that the Mideast's troubles were responsible for her son's assassination of Kennedy.

Stavropoulos later assigned plain clothes security guards to escort Mrs. Sirhan and her son on a private tour of the U.N. building. At 4 p.m., ringed by about 30 security guards, Mrs. Sirhan held a brief news conference for some 40 newsmen, criticizing Zionism.

Munir told The Times that his mother was "very satisfied" with the reception she received, although she would have preferred to fulfill her original aim.

He said they planned to leave New York immediately on the return trip to their home in Pasadena.

(Indicate page, name of newspaper, city and state.)

I-3 LA Times
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SIRHAN BEGINS 7TH MONTH ON DEATH ROW

SAN QUENTIN (UPI) —Sirhan B. Sirhan completed his first six months of lonely isolation on San Quentin Prison's death row Sunday, awaiting appeals on his conviction for the assassination of Sen. Robert F. Kennedy.

"He is very quiet," said Associate Warden James Park. "His routine doesn't change. Lots of reading, very little TV."

The 25-year-old Jordani-an immigrant is isolated in Cell 33, a stark concrete and steel enclosure on the prison's sixth floor. The cells on either side are

empty and two mesh steel screens create a no-man's land 15 feet away in the cellblock corridor.

A different guard brings Sirhan his two meals each day and sometime pauses for a few words with the young assassin. The other 25 condemned men in the unit may approach the mesh screens and converse with Sirhan, but Park said he doesn't seem anxious for the society of other inmates.

Sirhan has a 10 by 15 foot private recreation yard outside his cell, but mostly exercises with a medicine ball or by doing pushups inside the cell.

He leaves the secluded area only for medical appointments and to meet visitors. His mother, brothers and attorneys have averaged about one visit a month since Sirhan arrived at San Quentin on May 23.

When he leaves, other inmates are ordered to clear a 30-foot path for Sirhan and his two guards.

Officials fear other prisoners might try to attack the slayer of Kennedy.

"Our basic obligation is to keep him functioning until the courts decide his case," the associate warden said.

(Indicate page, name of newspaper, city and state.)

II-5 Los Angeles Times
Los Angeles, Calif.

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(Mount Clipping in Space Below)

Sirhan Ends First 6 Months in Jail

SAN QUENTIN (UPI)—Sirhan and sometimes pauses for a few words with the young assassin. The other 25 condemned men in the unit may approach the mesh screens and converse with Sirhan, but Park said he doesn't seem anxious for the society of other inmates. Sirhan has a 10 by 15 foot private recreation yard outside his cell, but mostly exercises with a medicine ball or by doing pushups inside the cell.

He leaves the secluded area only for medical appointments and to meet visitors. His mother, brothers and attorneys have averaged about one visit a month since Sirhan arrived at San Quentin on May 23.

A different guard brings Sirhan his two meals each day

and sometimes pauses for a 30-foot path for Sirhan and his two guards. Officials fear other prisoners might try to attack the slayer of Kennedy.

"Our basic obligation is to keep him functioning until the courts decide his case," the associate warden said. Sirhan's attorneys are not expected to file their first appeal until March.

Park said Sirhan's reading is heavy on subjects like theosophy, psychology and mysticism, although he also gets Playboy magazine in the mail.

"He remains interested in the Middle East situation, reading English-language pro-Arab journals," Park said. The associate warden said Sirhan also listens to Arabic music on a phonograph given him by his family.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

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(Mount Clipping in Space Below)

Sirhan on Hunger Strike at Quentin

SAN QUENTIN, Calif. (UPI) —Condemned assassin Sirhan B. Sirhan is on a liquid diet hunger strike protesting stringent security arrangements on San Quentin's Death Row. Sirhan, convicted killer of Sen. Robert F. Kennedy, stopped eating Nov. 28, the prison disclosed Monday. Sirhan also demanded the right to exercise with other Death Row inmates and reduction of the intensity of a light in front of his cell. Park said a shade was rigged for the light, but the other demands were rejected.

"I'm going on a hunger strike to protest this Nazi concentration-camp-like treatment of yours," Sirhan said in a note to Warden Louis Nelson. "Hitler had more mercy than you do."

The note, which opened with an obscenity, was written by the 25-year-old Jordanian immigrant after Nelson refused to make requested changes in the tight security conditions around Sirhan's isolated cell.

Associate Warden James Park said Sirhan had been complaining for some time about mesh screens which block the corridor near his stark concrete and steel cell.

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
Los Angeles

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(Mount Clipping in Space Below)

Sirhan on Hunger Strike 11 Days in Death Row Protest

SAN QUENTIN (P)—Sirhan Bishara Sirhan, condemned assassin of Sen. Robert F. Kennedy, has been on an 11-day hunger strike protesting his confinement in San Quentin Prison's Death Row, Associate Warden James W. L. Park said Monday.

Sirhan, 25, "has subsisted on a diet of instant cocoa and coffee" since Nov. 28, Park added.

Park said Sirhan's health was "pretty good."

"A doctor goes up to Death Row every day and we'll keep an eye on the state of his health," Park said. "If it becomes necessary, we can force-feed him."

Park said he received a letter from Sirhan Nov. 28 saying: " - - - you and your prison. I am going on that hunger strike to protest this Nazi concentration camp-like treatment of yours. Hitler had more mercy than you do."

Park said he talked to Sirhan last Friday.

"Actually Sirhan's in pretty good spirits, but he's a little bit angry at me and the administration."

Asks Exercise Privilege

Sirhan demanded that the extra bright light outside his steel-barred cell, which is 7 feet high, 11 feet long and 4½ feet wide, be reduced. He also asked permission to exercise with the other 72 condemned men on Death Row.

After the Nov. 3 note, Park said, prison officials rigged a cloth shade so the direct beam does not hit his cell. However, he said, the administration decided not to change the tight security in the area of his cell.

Sirhan's cell is isolated from those of the other condemned prisoners. On each side of Sirhan's Cell 33 are locked empty cells.

He can converse with other prisoners across a 15-foot-wide no-man's land that separates his area from the others.

"We have had at least one concrete death threat against Sirhan," Park said. "This consisted of a newspaper article with his picture with a black hand drawn in over his face."

"The word 'doomed' was printed underneath and a little stick figure was holding a knife. We believe it was from one of the condemned men."

The condemned man's mother, Mrs. Mary Sirhan, when called at her home in Pasadena, choked back tears as she said she would soon visit her son and try to persuade him to eat.

Mrs. Sirhan said she last saw her son in October,

(Indicate page, name of newspaper, city and state.)

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Sirhan Still Refusing to Eat, San Quentin Says

SAN QUENTIN (UPI)—Condemned assassin Sirhan Sirhan which keep him isolated from other inmates on death row. spurned breakfast again today. Park said a prison doctor on the 12th day of his liquids-only hunger strike against security arrangements on San Quentin's death row. each day routinely examines Sirhan and other inmates sentenced to the gas chamber. He said the prisoner still weighs 105 pounds—his weight when he entered the prison in May.

"There's no change at this point," reported Associate Warden James Park. "He didn't eat last night, and he didn't eat breakfast this morning."

Sirhan, convicted killer of Sen. Robert F. Kennedy, went on a coffee and cocoa diet Nov. 28 to

"He is a very light eater normally," Park said. "He only eats one meal a day and very sparingly of that. He will start eating eventually or we will force food into him. But that's a long way off."

Sirhan is unhappy over wire mesh screens in the cellblock which isolate him from other inmates awaiting execution. He has offered to sign a waiver releasing the prison from any responsibility if anything happened to him.

Sirhan began rejecting solid food after writing Warden Louis Nelson a note reading: "Hitler had more mercy than you do. I'm going on a hunger strike to protest this Nazi concentration camp-like treatment of yours."

(Indicate page, name of newspaper, city and state.)

A-18 Herald Examiner
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AUTOPSY

Court Backs

Parents in

Kennedy Case

Way Clear
For Start
Of Inquest

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
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News

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WILKES-BARRE, Pa. (AP)

— A judge refused today to order an exhumation and autopsy on the body of Mary Jo Kopechne, the 28-year-old secretary who died last summer in Sen. Edward M. Kennedy's automobile.

Judge Bernard C. Brominski of Common Pleas Court said testimony at a hearing on the petition by a Massachusetts prosecutor supported the original finding—death by drowning.

The decision clears the way for a Massachusetts court to hold a secret inquest into the accident. Kennedy's car pitched off a bridge and into a tidal pond at Chappaquiddick Island off the Massachusetts coast in the middle of the night on July 18.

The ruling was a victory for Mary Jo's parents, Mr. and Mrs. Joseph A. Kopechne of Berkeley Heights, N.J. They opposed an autopsy on grounds it would be "grossly offensive and prejudicial to their wishes."

"This means that I'll come up here very often to see my daughter," Mrs. Kopechne told a news conference at the court house. "I couldn't have gone up to that cemetery again if I knew the grave had been disturbed."

Miss Kopechne is buried in nearby Larksville, near where she was born in this northeastern Pennsylvania coal region.

The father said he was happy with the ruling and the scheduled inquest did not disturb him.

"We are waiting patiently for the inquest to be held," he said.

In Washington, Kennedy said he was grateful for the decision because "I realize how much it meant to the Kopechne family; it increases their peace of mind, and I'm grateful for that."

"Now," Kennedy said, "it's my hope that the authorities in Massachusetts will move forward so the entire matter can be concluded as soon as possible."

Kennedy, who has been in frequent touch with the family since the accident, telephoned the parents this morning to ex-

press his pleasure at Brominski's decision.

Dist. Atty. Edmund Dinis of New Bedford, Mass., sought the autopsy for the inquest. Dinis said in advance he would not appeal any ruling by Brominski.

Brominski said the facts presented at the hearing were "insufficient to support a finding of the cause of death" other than drowning.

He said any conflict in Kennedy's versions of what happened or failure to report the accident for nearly 10 hours "does not suggest a cause of death other than drowning."

Brominski said he took into consideration the parents' objections.

"While their disapproval is not an absolute bar to an exhumation and autopsy," Brominski said, "in view of the facts presented to this court their objections are well taken."

The judge also said that the presence of blood in Miss Kopechne's nose and mouth and on her clothing, as brought out by Dinis at the hearing Oct. 20-21, did not provide sufficient doubt to warrant exhumation.

In New Bedford, Dinis had no immediate comment on the judge's ruling.

And in Edgartown, Mass., District Court Judge James A. Boyle before whom the inquest is to be held, was unavailable for comment. His clerk said Boyle might not have anything to say for some time. Boyle had declined to set a date for the inquest until after Brominski had ruled on the autopsy.



—UPI Telephoto
JUDGE BROMINSKI



MARY JO KOPECHNE



—AP Wirephoto

JOSEPH KOPECHNE PLANTS A KISS ON WIFE'S CHEEK AFTER JUDGE'S VERDICT WAS DELIVERED
Relieved parents held news conference after learning that permission for autopsy on daughter Mary Jo had been denied

(Mount Clipping in Space Below)

Sirhan Tells Mother Fast Is Over—for 30 Days

SAN QUENTIN, Calif. (UPI) —Sirhan B. Sirhan, condemned slayer of Sen. Robert F. Kennedy, promised his mother in a tearful reunion Wednesday to end his hunger strike at San Quentin prison.

Sirhan, who has not taken solid food for 13 days, said he would resume his fast in 30 days and might take his own life if officials do not relax the isolation of his imprisonment.

The assassin's 67-year-old mother, Mary Sirhan, broke

down in tears while telling newsmen about the short visit with her son.

"He's only bones and skin," she said. "He's so pale. If he doesn't eat, I will fast with him."

Luke McKissack, the family attorney, who accompanied Mrs. Sirhan and another son, Munir, on the visit, told of the suicide threat.

"He said he will start eating breakfast tomorrow, and will eat for 30 days," said McKissack. But unless his conditions are relaxed, "he would rather die in his own fashion rather than have the state take his life."

The attorney said Sirhan "has developed the feeling that he is not 'a human' being at all" because he is so isolated. He is not permitted to come within 15 feet of other prisoners on the row and can only talk to them by shouting over a 15-foot no-man's land and two steel fences.

San Quentin officials have kept Sirhan at a distance from any other prisoners because they fear his life might be in danger.

(Indicate page, name of newspaper, city and state.)

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ROFEARN



—UPI Telephoto

SIRHANS' MOTHER VISITS PRISON
End hunger strike, says mother and brother Munir

(Mount Clipping in Space Below)

Prosecutor in Sirhan Trial Named Judge

SACRAMENTO (UPI)

—The deputy district attorney who prosecuted Sirhan Sirhan for the murder of Sen. Robert F. Kennedy has been appointed by Gov. Reagan as a Los Angeles County Superior Court judge.

David N. Fitts, 47, head deputy of the Santa Monica branch of the county district attorney's office, succeeds Judge Emmett E. Doherty, who retired. The post pays \$31,816 a year.

Fitts, a Republican, is a native of Los Angeles who received his law degree from Stanford University.

The governor also appointed Francis J. Garvey, Covina attorney; Vernon G. Foster, Los Angeles attorney and lecturer at the USC law school, and Municipal Judge Thomas C. Murphy of Los Angeles to the Los Angeles Superior Court bench.

Murphy is a Democrat and the others are Republicans.

They replaced Judges Mark Brandler, Aubrey Irwin and Mervyn Aggeler, who retired from the posts.

Reagan also announced the appointment of Joseph W. Chandler, a Los Angeles County deputy district attorney, to fill a newly created judgeship on the Santa Monica Municipal Court.

Chandler, a Republican, will receive an annual salary of \$29,270.

David Fitts
56-156X-8 p6
56-156X-5 p3
7-1080-T-9 p196
56-156-2244
56-166-2207

David Fitts
56-156-853

Francis Garvey
100-0-32846

Frank Garvey
87-31314*
166-1150*
166-752-17 p8

Vernon Foster
25-59404*

Thomas Clayton Murphy
91-3078-102
91-3078-110
Thomas Murphy
91-8122*
72-105-359 p157

Joseph W. Chandler
94-558-451 p5

Joseph W. Chandler

(Indicate page, name of newspaper, city and state.)

II-5 Los Angeles Times
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H. HEARN	

(Mount Clipping in Space Below)

PRISON MAY EASE SIRHAN RESTRICTIONS

SAN QUENTIN (UPI)—San Quentin prison officials may ease the heavy security precautions around condemned assassin Sirhan B. Sirhan, allowing him closer contact with other men on death row.

Associate Warden James O. Park said Wednesday, "We will be reviewing his situation early in February."

The 25-year-old condemned slayer of Sen. Robert F. Kennedy went on a hunger strike last November in protest against the tight security which prevents his association with other prisoners.

Sirhan was especially annoyed by the 15-foot "no man's

land" created by a double steel grating which separates him from others on death row.

He ended the hunger strike Dec. 11, but said he might fast to death unless concessions were made within a month. Park said Sirhan was told the conditions are being reviewed and apparently decided not to make any protests until after the review.

No date has been set for the execution of Sirhan, who has been at San Quentin since last May. Prison authorities put him under the extreme security precautions because they said his life was threatened by other condemned men.

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A-7 Herald Examiner
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(Mount Clipping in Space Below)

Specter of Dallas Haunted LAPD in Sirhan Case

BY ROBERT KIRSCH

• At 45 minutes past midnight, June 5, 1968, in the Rampart Division of the Los Angeles Police Department, Sgt. William C. Jordan sat facing a slight, dark-haired young man who had just been brought into the station as the suspect in the shooting of Sen. Robert F. Kennedy.

The news of the tragic event was already being broadcast to the world. Stunned and disbelieving, men and women heard that life was ebbing away in the young man whose brother, the President of the United States, had been slain a few years before by an assassination. In a moment of electoral triumph, Robert Kennedy was struck down, the man who, after hearing of the assassination of Dr. Martin Luther King, had quoted Aeschylus: "In our sleep, pain which cannot forget fall"

*It was the "longest, largest,
most expensive investigation"
ever undertaken by LAPD*

drop by drop upon our heart until, our own despair, against our will, comes wisdom through the awful grace of God."

Uppermost in Sgt. Jordan's mind "was the determination to see to it that the 1963 Dallas record, compounded by local ineptitude and shameful bungling, would not be replayed in Los Angeles in 1968. The specter of Jack Ruby, even more ominous than the memory of Lee Harvey Oswald, haunted the Rampart police station this sultry summer night."

The entire Los Angeles Police Department shared that belief—and a sense that history would judge their efforts to deal with the investigation fairly, efficiently and justly. In SPECIAL UNIT SENATOR: The investigation of the Assassination of Sen. Robert F. Kennedy (Random House: \$6.95), Robert A. Houghton, chief of detectives, LAPD, with the assistance of Theodore Taylor, has written a taut and complete account of the "longest, largest and most expensive criminal investigation ever undertaken by the . . . department, possibly the most extensive investigation ever conducted by any local law enforcement agency."

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The memory of Dallas and its aftermath clearly conditioned that investigation, which Houghton called at the time of the organization of the special unit, a "supreme test of our judicial processes." That effort produced a 10-volume investigation summary, represented nearly 5,000 separate interviews and interrogations, more than 50,000 pages of documentation and material evidence, 1,700 photographs, 190 reels of tape and 20 reels of 16 mm. film.

From the adrenal moments of that night in the Ambassador, to the conviction of Sirhan Bishara Sirhan for the crime, several score of men in the

LAPD worked patiently, tirelessly on the case. Other law enforcement agencies cooperated. The purpose was not solely to build the prosecution case against Sirhan, but to determine (and here the memories of Dallas and its aftermath were crucial) whether Sirhan was part of a conspiracy.

To Capt. Hugh Brown, commander of the Homicide Division who was assigned to head the task force, Houghton made it clear that if there were in face, a "great conspiracy" that linked the murder of Robert Kennedy to that of John Kennedy and Dr. Martin Luther King Jr., "it had better be unveiled before another national leader fell victim," and that it was "imperative that we track every lead, every suspicion of possible complicity or conspiracy, no matter how tenuous or hollow it might sound."

He told Brown emphatically that he wanted "this investigation to stand up to whatever scrutiny, as much fine-comb study as it's going to get."

Houghton was expressing what other officers knew and turned out to be the toughest part of the SUS investigation. Lt. Charles Hughes, head of Rampart Detectives, who had initial charge of the case, had briefed Houghton, called back from a Yosemite vacation: "I don't expect we'll have much trouble proving who did the killing—it's finding out why he shot the senator and whether

there was more than one man responsible."

There was no deficiency of leads suggesting conspiracy, from the report of the girl in the polka dot dress who was supposed to have run from the scene shouting "We killed him," to the rumor that an announcement of the senator's death was heard on the radio a month before it happened, every sort of wild report came pouring in, from freelance writers and seers, far right wingers and citizens who had claimed to overhear the "plotters" in conversation.

Each one of these was investigated and re-investigated, patiently and tediously, by the members of the unit. Stories were checked by lie detector tests and identification procedures. At the scene of the crime were several thousand people; a time and movement pattern had to be established. Sirhan's background had to be carefully checked. And the entire investigation had to be conducted scrupulously within the requirements of new decisions on search and seizure and the interrogation of suspects. No evidence of a conspiracy stood the test of the investigation.

Yet, this book is not simply an account of a celebrated case. From it emerges a sense of the magnitude and depth of problems encountered in police work. It is true that SUS pioneered many techniques in this case and a police manual based on these lessons is in preparation.

Nor is it an effort at vindicating the LAPD's handling of the case. If this book is written with professional pride, it is also written with a measure of self-criticism. Each of the supervising officers of SUS wrote a critique of the entire investigation. All recognized that much of the painstaking labor of SUS could have been saved had the framework of a special unit been in existence to be activated immediately.

Such experts as SUS's Lt. Manuel Peña, author of a text on criminal investigation, a teacher of police science at Cal State L.A., and Lt. Roy Keene, made some telling points about the need to separate witnesses, to interview them before newsmen (many

of the false leads came from people who had unconsciously embellished their stories through repetition for reporters and then stuck to them because of embarrassment at contradicting themselves; others alleged they had seen things which they later admitted they only heard), the failure to rope off the pantry area (some kitchen employees were mopping up bloodstains before lab experts could examine them), inadequate witness identification.

Houghton agrees with these criticisms but concludes that considering the circumstances, "the department responded well in those first hectic, confusing hours."

Without employing Dragnet style, Houghton and Taylor make the officers and witnesses come alive, re-create the setting and the mood of emotion and grief. Most impressive is the human component. The common stereotypes so popular now are demolished here. The investigators display qualities of concern, curiosity, sympathy, pride and realism.

When Houghton asked one officer about Mayor Sam Yorty's public statement that Sirhan had Communist connections, the man replies:

"I was at Rampart when the mayor and Commissioner McGaughey came in. I talked to them for a few minutes and then got busy on something else.

Next thing I know, Yorty and the commissioner were reading Sirhan's notebook. Hell, I'm not going to tell the mayor of this city and a police commissioner what to do. Besides, one is an attorney, and the other an ex-FBI man. They know the rules of evidence as well as I do."

What is certain is that the SUS makes it clear that there was no shred of evidence suggesting a conspiracy.

The account stands as a model of its kind, honest, evocative and compelling.

(Mount Clipping in Space Below)

SIRHAN FILES SUIT TO BLOCK BOOK ON LIFE AND TRIAL

Sirhan Bishara Sirhan, 25-year-old convicted assassin of Senator Robert F. Kennedy has filed suit in Superior Court to block publication of a book about the Jordanian immigrant's life and celebrated murder trial.

The suit, filed yesterday, named the assassin's brother Munir B. Sirhan, as his guardian-at-law—because Sirhan is unable to act in his own behalf.

Named defendants in the suit which asked \$2 million damages, in addition to an injunction against publishing a book, were Robert B. Kaiser, Maximilian Becker, E.P. Dutton Publishing Co., and Los Angeles attorneys Grant B. Cooper and Russell E. Parsons.

Superior Court Judge Richard Schauer issued a temporary restraining order forbidding writer Kaiser, agent Beck and the publishing company from publishing a book or disclosing "adverse" information about Sirhan without the dimunitive killer's permission.

The suit, filed by Sirhan's new attorneys Luke McKissack, George E. Shibley and Abdeen

M. Jabara, claims Sirhan was of "unsound mind and mentally incompetent" when he signed a contract for exclusive collaboration with Kaiser Aug. 27, 1968.

The lawsuit also asks the court to modify an assignment of Sirhan's rights to proceeds of any publication of his story.

The assignment, according to the lawsuit, involves 66⅔ per cent of all profits from Kaiser's exploitation of the Sirhan story.

The assignment split Sirhan's share of the profits equally between his family and attorneys Cooper and Parsons.

The lawsuit claims the original assignment grants an "inequitably" large share of the

proceeds to Cooper and Parsons, then Sirhan's attorneys of record.

Sirhan dismissed Cooper and Parsons after he was convicted of first-degree murder and sentenced to die in the gas chamber.

(Indicate page, name of newspaper, city and state.)

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(Mount Clipping in Space Below)

Sirhan Defense Attorney Denies Receiving Funds—Claims \$10,000 Loss

Grant B. Cooper, chief defense attorney for Sirhan Bishara Sirhan who was convicted of the murder of Sen. Robert F. Kennedy, has denied he received any fees from the Sirhan family.

Sirhan now awaiting death in San Quentin's gas chamber, has filed suit to block publication of a biography about him by Robert B. Kaiser.

The suit said Sirhan was of "unsound mind and mentally incompetent" when he signed a contract Aug. 27, 1968, authorizing Kaiser to write the book and splitting profits equally among the Sirhan family, Cooper, and defense attorney Russell E. Parsons.

Cooper said that on Aug. 27, 1968, he officially relinquished any right to receive fees in a letter to Sirhan and Kaiser, "except expenses, and all out-of-pocket expenses."

"I am personally out-of-pocket for moneys expended on Sirhan's behalf, the sum of \$10,103.27," Cooper said in a statement released yesterday. "I have not received any fee and will not receive any fee for my work in that case."

A temporary restraining order has been issued prohibiting release of Kaiser's book.

Cooper and Parsons were fired by Sirhan after his conviction and sentencing. His new attorneys who filed the suit this week are Luke McKissack, George E. Shibley and Abdeen M. Jabara.

(Indicate page, name of newspaper, city and state.)

A-4 Herald Examiner
Los Angeles, Calif.

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(Mount Clipping in Space Below)

Sirhan in Hospital; 'Groggy, Drowsy'

SAN QUENTIN (UPI)—Sirhan B. Sirhan, assassin of Sen. Robert F. Kennedy, is in the prison hospital after being taken "groggy and drowsy" from his death row cell.

Associate Warden James Park said doctors believe Sirhan is suffering either from low blood sugar or a reaction to medication for a throat condition.

"He was noted to be a little groggy and drowsy Monday afternoon and was taken to the prison hospital, where he is now undergoing observation," Park said.

"The doctors have indicated they are exploring a couple of possibilities—that he has a low blood sugar level, or that this is a reaction to some kind of medication."

Park said Sirhan was being given "a variety of medication" for various problems, including vitamin pills and a medicine "to improve the condition of the mucus membrane in his throat."

Sirhan has been on death row since he was sentenced to death for the Kennedy slaying at Los Angeles in June, 1968.

Park said Sirhan's condition was good today and he would probably be under observation "for a day or two and then we expect him to be taken back to the condemned unit relatively soon."

Sirhan's mental and physical condition previously had improved since he called off a 14-day partial hunger strike last Dec. 10, Park said.

The security, in which Sirhan was isolated from other prisoners because of fears for his life, sparked the hunger strike, which Sirhan ended after a tearful plea from his 67-year-old mother.

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
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(Mount Clipping in Space Below)

Judge Rejects Sirhan Biography Injunction

Sirhan B. Sirhan's petition for a preliminary injunction to prevent publication of his biography, now entitled "R.F.K. Must Die," was rejected Friday by a judge of Superior Court.

The convicted murderer of Sen. Robert F. Kennedy complained that the book will contain much confidential information which will hurt his pending appeal from the death sentence.

Judge Richard Schauer, however, pointed out in making his ruling that

Sirhan has made no serious move to return funds advanced for publication rights. The funds, to date totaling \$32,615, have been used mostly for expenses of his defense, lawyers said, but some has gone to his family.

Sirhan, 26, directed his suit against Robert B. Kaiser, 39, who wrote the book from material gathered while acting as defense investigator.

The imprisoned Jordanian was joined in the suit by his mother Mary and two brothers, Munir and Adel Sirhan.

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McKenna

(Mount Clipping in Space Below)

Report on End of R.F.K. Era

BY PIERRE SALINGER

On His Own: RFK 1964-68 by William vanden Heuvel and Milton Gwirtzman (Double-day: \$7.95)

● It has been only 23 months since Robert F. Kennedy was buried at Arlington and since then the focus of most of his biographers has been on his effort to wrest the Democratic presidential nomination from the power structure of his own party.

Vanden Heuvel and Gwirtzman cover that brief and closing era of his life expertly. Both were among Kennedy's key advisers through his winter of indecision in early 1968 until his assassination on the night of his primary victory in California. And their presence at high-level strategy sessions and their day-to-day involvement with the candidate infuse their account with a pragmatism and a reality that a peripheral observer could not possibly achieve.

But their larger contribution, both to history and to the memory of their friend, is to examine his career as a public man from November 1963 until the eve of his announcement for President—the years when he was on his own after Dallas.

What emerges is a persuasive rebuttal of the criticisms that were to plague R.F.K. through his career in elective politics: that he was an indifferent senator for whom New York State was merely a temporary base; that he was a hawk on Vietnam until he was convinced that he could use it as an issue to topple Lyndon Johnson; that he was personally ruthless and opportunistic, and that his appeals to the young and the poor were expedients to create a national constituency for himself in 1972.

The authors shatter such criticism with both a documentation of his public record and a profile, that could only have been written by intimates, of a man who was constantly questioning the selflessness of his commitments.

Robert Kennedy was a highly effective and innovative first-term senator; a judgment with which his colleague, Jacob Javitz, would certainly agree. Kennedy was one of the first to speak out against the war and his challenge to Johnson's escalation came at a time when he was in the minority and when he

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Page 2 Book Reviews
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had absolutely no intention of opposing L.B.J. for the nomination.

I believe, incidentally, that had Johnson pursued President Nixon's present policy of de-escalation, which has been at best minimal, public opinion would not have forced him to retire from the presidency.

As for the sincerity of R.F.K.'s commitment to the New Politics—and as far back as 1964—the authors prove the case beyond question: his support of the Liberal Party in New York against the far more powerful inheritors of the Knights of Saint Tammany; his leadership in the Senate in support of civil liberties and freedom of dissent, and his travels to South America and South Africa where his condemnation of both poverty and apartheid were to anger his official hosts.

Nor can there be much question that Kennedy, above all major politicians,

of this century, spoke most directly to the plight of the poor and the alienated of the young and still could command the support of the white middle class.

But the authors' defense of Kennedy's public record and personal motivations does not blind them to his performance as a politician. He was unable, although his tenure as titular leader of the party was short, to achieve a ceasefire in the fratricidal Democratic warfare in New York that has enabled the majority party to elect only one Democratic governor (Averell Harriman) and only one senator (Herbert Lehman) since World War II.

Vanden Heuvel and Gwirtzman also emphasize his vacillation on whether to oppose Johnson for the nomination. Jess Unruh and I were among the first of his friends to enter the lists against the president.

long before New Hampshire. His answer was that it would split the party, and he disagreed with us that it had already been torn apart by Vietnam and the flood-tide of animosity toward Johnson.

To many of us, however, it was clear before New Hampshire that unless there was a substantive change in his Vietnam policy Johnson was unelectable (just as it was clear, before and after the Chicago convention, that Hubert Humphrey was unelectable if he did not break decisively with that policy).

I would disagree with the authors on one point—that Kennedy had little

chance of winning the nomination at Chicago.

Until his assassination, major power brokers within the party—chief among them Mayor Daley—had withheld their commitments from Humphrey. They saw him as a loser if he continued to defend Johnson's war strategy. And, despite their fear of the new constituency Kennedy and Eugene McCarthy had built into a clear party majority in the primaries, Daley and the others knew that it would not mobilize for Humphrey.

Daley, for one, told R.F.K. that he would not commit himself until after the primary in California. Kennedy won there and in

South Dakota and the same day would have won later in New York. There was no question that the polls would have shown him to be the strongest contender against Nixon. I believe that R.F.K.'s strength in the polls and the appeal to old pros like Daley of a second Kennedy-Nixon confrontation would have been persuasive.

It is interesting, too, to speculate on whether Nixon could have won the Republican nomination if Kennedy had still been alive. There was not great enthusiasm for him in the party and certainly not in the South. He won because of his overwhelming lead in the polls over Humphrey and because Nelson Rockefeller, through his own vacillation and his unacceptability to the South, was never taken seriously.

But with Kennedy in contention for the Democratic nomination, the Republicans would have taken a longer look at Ronald Reagan. He was an eminently more salable conservative than Barry Goldwater. He was clearly more acceptable to the South. And he did not have Nixon's taint of a two-time loser.

One must also speculate, along with the authors, on what impact R.F.K. would have had on events on the

streets of Chicago during the Democratic convention—events that were to prove as damaging to Humphrey as his own defense of the war.

I believe that if Kennedy had been there, even if he had been denied the nomination, the certainty that the New Politics would have had a commanding voice in the proceedings would have been a force for order.

But all speculation was put to an end in the kitchen of the Ambassador Hotel, and we are left only with the incomplete history of one of the most dramatic and traumatic eras in our national history.

"On His Own" is a significant contribution to that history. For those who

were for Robert F. Kennedy, the book will have a special importance because he comes alive in its pages. For those who were against him, it may help them to understand him a little better.

Pierre Salinger's involvement with Robert F. Kennedy began in 1957 when he became an investigator for the Senate Rackets Committee, for which Kennedy was chief counsel. On R.F.K.'s recommendation, Salinger was chosen to direct press operations in John F. Kennedy's campaign for the Presidency. Salinger subsequently was press secretary to both Presidents Kennedy and Johnson. In the spring of 1968, he took a leave of absence from his business interests to campaign for Robert F. Kennedy, and was with him the night of his assassination.

(Mount Clipping in Space Below)

Sirhan Obtains Order Banning Publication of His Life Story

Sirhan B. Sirhan, 26, under sentence of death for the murder of Sen. Robert F. Kennedy, obtained a temporary court order Monday prohibiting publication of a book based on his life.

The order was signed by Superior Judge Richard Schauer after the filing of a suit in which Sirhan was joined by his mother Mary and two brothers, Munir and Adel Sirhan. The suit also demanded \$2 million damages.

Included as defendants were Robert B. Kaiser, identified as the author of the manuscript; Maximilian Becker, New York theatrical agent; E. P. Dutton Co., a publishing house, and Grant B. Cooper and Russell E. Parsons, two of the three lawyers who represented Sirhan.

Sirhan, his mother and two brothers conceded that they signed the agreement in August, 1968, but they

charged that they were deceived into signing.

It was represented to them, the family said, that unless Sirhan signed the contract Cooper and Parsons would not continue to represent him. The suit made no monetary demands against Cooper and Parsons.

Sirhan has received only \$6,000 in advance royalties, the suit declared.

A copy of the contract disclosed that after payment of 10% commissions to Becker, 60% of the first \$100,000 in royalties would go to Sirhan and 40% to Kaiser. Thereafter Sirhan would receive two-thirds and Kaiser one-third.

The contract further disclosed that from Sirhan's share of the royalties, he would assign one-half to Cooper and Parsons and one-half to his family. The half assigned to the lawyers would be in payment of fees for undertaking his defense.

(Indicate page, name of newspaper, city and state.)

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FBI - LOS ANGELES	

Bo Richards

(Mount Clipping in Space Below)

WHO REALLY KILLED RFK?

New evidence that Sirhan missed Bobby

IVAN DRYER

Thursday, June 4, Attorney Godfrey Isaac filed a complaint against the Los Angeles Police Department and the District Attorney's office on behalf of his client, Theodore Charach.

The complaint, for disclosure of information under the Brown Act (Gov. Code 54950), charges defendants Edward M. Davis (then Deputy Chief of Police), District Attorney Evelle J. Younger, and Robert A. Houghton (then Chief of Detectives) with "deliberately, intentionally and knowingly" suppressing "fact and evidence" relating to the assassination of Senator Robert F. Kennedy, June 5, 1968.

At a news conference held last Thursday morning, Isaac and Charach referred to the above mentioned facts and evidence which their complaint alleges to have been suppressed, as follows:

A. An employee of KNXT, Donald Schulman, positioned behind Kennedy, saw a security guard, also behind Kennedy, fire his hand gun and saw Kennedy hit by three bullets. Schulman was never called by Defendant Younger to testify.

B. The Ambassador Hotel maitre d', Karl Ueker, grabbed Sirhan after the second shot fired by Sirhan, subdued him with help from Rafer Johnson and Roosevelt Grier, then saw a security guard holding a gun in his hand. This evidence was not presented to the Grand Jury or at Sirhan's trial.

C. Contrary to Defendant Houghton's declaration in his book, *Special Unit Senator*, that no right-wingers could have been present at the scene, a supporter of George Wallace who has expressed (on tape) his disdain for the Kennedys, and especially Robert because of his identification with Blacks, was present in the person of Thane Eugene Cesar. Cesar was a part-time security guard, hired through a guard service by the Ambassador Hotel.

D. Cesar was walking with Kennedy and Ueker through the kitchen when Sirhan started shooting, at which time Cesar admits drawing his gun and being in a position behind and below and in close proximity to the senator.

E. The autopsy of Senator Kennedy, performed by coroner Thomas Noguchi, revealed that Kennedy died from a gunshot wound received from the rear, behind the right ear, with an upward trajectory. Further, the autopsy shows that Kennedy sustained two contact gunshot wounds under his right armpit. None of the three shots was fired from a distance greater than six inches, and the fatal wound was inflicted from only one to three inches behind Senator Kennedy's head. Defendant Younger's deputies asked only general questions of Noguchi at Sir-

(Indicate page, name of newspaper, city and state.)

Page 1 Free Press
Los Angeles, Calif.

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or
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FBI - LOS ANGELES	
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3

han's trial, thus the specific number and direction of the wounds was never established for the jury and the people. Sirhan, incidentally, was said by witnesses to be standing four to six feet in front of the senator.

This Monday morning, June 8, Charach and Isaac announced on Channel 9 that they were withdrawing the complaint so that the media and the defendants would have an opportunity to assess all of Charach's findings, which, he says, he will release to them with the proviso that it be reviewed fairly and impartially.

Godfrey Isaac, you will remember, successfully defended Noguchi against the witchhunt last year in which the county tried to remove Noguchi from office with a barrage of incredible charges. Isaac said he became interested in this case when the county decided to drop all charges against Noguchi after he, Isaac, indicated he would introduce evidence relating to the Kennedy autopsy (Deputy County Council Martin Weeks at that time stated that the introduction of such evidence would cause "international repercussions").

Thus, Isaac was naturally receptive to the findings of Theodore Charach, a former TV newscaster, who was covering the Kennedy campaign for Continental News Service; he was in the kitchen, and is an official witness in the case. Charach has been for two years privately investigating inconsistencies he discovered by virtue of his being on the scene and in interviews with other witnesses and individuals connected with the case which he has taped and is releasing in full. He also will release additional evidence including that of yet a third gun firing in that kitchen and photographs damaging to the official version of the assassination.

At Thursday's conference he mentioned other photos he alleges were taken of the shooting itself by a student who was chased by a security guard then surrounded in front of the hotel by six policemen with drawn guns. His camera and its contents were confiscated. The camera was returned, but all the film was not, according to Mr. Charach. Needless to say, those pictures were never published.

Neither has there been much publishing about Thursday's news conference and its import in local newspapers and other media. Only non-network TV stations, notably Channel 9, carried the story Thursday. The networks waited until Friday, for whatever reasons, and the papers were conspicuous for their loud silence. One reporter, visibly stunned by the contents of the news conference, had her story withheld by her paper.

The defendants, however, have privately been more vocal in their editorializing to the plaintiff and his attorney. It might be interesting to learn the nature and extent of any communications on this matter between the defendants and the media, or whomever else it may concern.

Robert Kennedy's murder investigation was the longest and costliest criminal proceeding in Los Angeles history, but 4,818 interviews and over \$1 million in taxpayers' money evidently failed to come close to the truth. Therefore, in addition to the release of the whole truth about the RFK assassination, another object of the action filed by Charach is to create a permanent *Federal Board of Inquiry*, exclusive of existing agencies, for the full and impartial examination of all murders involving national political figures. Such a board, if it could be created, would hopefully be constructed along the lines of the President's Commission on Crime and Violence (whose recommendations were not followed), as opposed to the Warren Commission (whose findings were). In the interest of law and order it might be useful to have some formal means of implementing justice in previous political assassinations (the official "investigation" of none of which stands up to scrutiny). This might even serve to prevent future killings if the killers knew that their chances of getting away with it would be less.

STATEMENT TO THE PRESS

(The following statements were made by Theodore Charach, a free-lance journalist, at a press conference last Thursday. Charach has spent the past two years studying the assassination of Senator Robert Kennedy)

Sirhan Bishara Sirhan did not—I repeat—*did not* succeed in his attempt to murder Senator Kennedy within minutes of his California Democratic primary victory in the 1968 presidential campaign. Sirhan tried and failed. In our earnest opinion, Sirhan...because of the unique circumstances of the case, is unaware even now that he did not fire the weapon that killed Senator Kennedy.

At fifteen minutes past midnight, there were two political extremists inside that kitchen pantry of the Ambassador Hotel on the fifth of June, 1968. At the moment of firing, Sirhan was situated in front of both Senator Kennedy and

the former Ambassador Maitre d', Mr. Karl Uecker.

Behind Senator Kennedy, at extremely close range, on the presidential candidate's right side, was Thane Eugene Cesar, a private security man, he was neither working full-time on the staff of the Ambassador nor employed directly by Senator Kennedy's staff. Cesar was part of a small external security force brought into the hotel from the outside. Mr. Cesar is a far right extremist, a George Wallacite, who opposed both President John and Bobby Kennedy, the Kennedy family, the Democratic party and the political philosophical aims of presidential candidate Bobby Kennedy.

Our two year probe conclusively reveals that "Gene" Cesar— as he is commonly known— drew his own gun instantaneously with the gun of Sirhan popping in front of Karl Uecker; there was a significant pause after the second shot. Eye-witness Donald Schulman, formerly affiliated with KNXT news in Hollywood, California—the Columbia Broadcasting System— witnessed this double shooting. Former Deputy District Attorney, David Flynn, informed the jury in the Sirhan trial, that the first bullet probably killed Senator Kennedy. The first bullet, in our opinion probably grazed Senator Kennedy. The second bullet, after the short pause, between the first and second shot, our research, concludes, passed harmlessly through the right shoulder pad of Bobby Kennedy's suit striking Paul Schrade, west coast director of the United Automobile workers, who fell to the floor with a head injury.

The next three bullets originated from the rear— from behind Senator Kennedy. The directions, according to our tapes and documentations last year with Dr. Thomas T. Noguchi, the Chief Los Angeles County Medical Examiner and Coroner, confirmed that the wound path of three bullets not only emanated from back to front, but in a conspicuous upward direction.

Of immense significance to this historic case is the fact, revealed by Dr. Noguchi, that the fatal rear bullet— behind Senator Kennedy's right ear and mastoid (the head wound)— scattered bullet fragments and left deep gun powder burns. The fragmentations were lost within the presidential candidate's brain tissue. Eye-witness Donald Schulman at the time saw a security guard, at close proximity to Senator Kennedy, draw his gun, and fire his gun. He reported to us

at the time— my own independent news service, telecommunications, augmented by Continental News Recorders, directed by Jeff Brent—that Senator Kennedy had been hit three times.

Mr. Schulman was certainly one of history's most important eye-witness inside that kitchen pantry. Yet District Attorney Younger—in his final public report to the American people in this case, in May, 1969— does not even list Schulman as a prime witness among the 199 witnesses, (including myself) who were not called to testify. To this day, Mr. Schulman has never even had an in-depth interview by the LAPD in an extraordinary case involving the death of a United States Senator. District Attorney Younger, supported by Chief Houghton, informed us all the witnesses were identified inside the Ambassador kitchen. In interviews and re-interviews— almost 5,000 persons were interviewed. Why? Nor does the Los Angeles Police Department acknowledge the fact that my news colleague, Jeff Brent, taped voice actualities inside that kitchen pantry, over the actual sound and fury of the second Kennedy assassination.

It was these tapes which aroused my professional curiosity and journalistic interest and enabled me to reach the heart-breaking conclusions that we are revealing this morning. The Don Schulman interview was recorded on the spot inside the Ambassador Hotel, only ten minutes after the assassination.

It is our sincere belief, after 24 months of continual investigation and probing— with all the key witnesses— that the American people have been deceived, duped, and a fraud has been perpetrated

upon us by those law enforcement agencies charged with the responsibilities in this matter. Let us not forget that in 1968 we were robbed of a possible choice at the ballot box, an opportunity to vote for or against a potential presidential candidate. The Houghton Report is a conglomeration of official falsehood, distortions, half-truths, discrepancies and suppressed information. The Los Angeles Police Department has been derelict in its duties and performances in the service of the people. An anxious world depends on the integrity, honor and justice of this nation.

The findings and evidence, new discoveries in this sensitive case, demonstrate gross negligence, incompetence and suppression of vital evidence. In some cases, great psychological pressure and intimidation was utilized by members of special unit senators to compel witnesses "to change their personal accounts of the tragedy.

It is our opinion that Karl Uecker's heroic actions saved the life of Senator Robert Francis Kennedy before the intervention of the second weapon.

David Fitts, prosecuting the case in behalf of the people, told the Sirhan trial that Uecker probably reacted after the fourth shot. Mr. Uecker has never deviated from his testimony before the grand jury. He placed Sirhan in a firm headlock and definitely stopped Sirhan's gun from shooting in the direction of Senator Kennedy— positively and unequivocally, after the second shot— during that dramatic pause. There is a reliable witness to back Mr. Uecker in his testimony. From the morning of the assassination until now, I am grateful for Mr. Uecker's generous contribution in the interest of truth, justice and history— and furthering knowledge to the American people. It is my sincere hope that our probe will lead us all to re-examine this cancer of crisis which inflicts our political climate— the American political as-

sassination syndrome—and prevent re-occurring slaughter of our most sensitive, dedicated, moral, spiritual and political leaders.

I congratulate Dr. Noguchi who, in face of an unprecedented assault on his character, integrity and medical professionalism, granted our probe the complete disclosures of the Robert F. Kennedy autopsy during his ouster in 1969. I am deeply indebted to our attorney, Mr. Godfrey Isaac, in his untiring efforts in behalf of this entire probe, for his unselfish dedication throughout the Noguchi hearings, the repudiation of those false and wild charges, and Mr. Isaac's concerned efforts and loyalty to the cause of truth, with justice.

We are the witnesses, and we will not remain silent, less history judge us with the guilty. A disillusioned society requires that we do care—especially the youth, the blacks, the poor, the disenchanting who gave everything they possibly could give in Senator Kennedy's campaign for change and reconciliation and an end to this mindless menace of senseless killings. To the countless witnesses who gave us their valuable time, their testimony, their evidence—volunteering freely this information so that the entire truth is exposed in this national tragedy—I personally extend my gratitude and thanks. In this spirit we can still arouse the conscience of the American people— for change and for truth.

I especially hope the many witnesses who have been afraid to come forth...who have been intimidated, who have something more, and truthful, to add, to this overall case...to co-operate with us, wholeheartedly co-operate for truth and justice. I know, Mr. Isaac joins me in extending an open door in this continual search for all the facts. His Beverly Hills office invites your calls. The tapes you are hearing today are brief extracts, copies from my original tapes and audio/visual documentation in the Robert Kennedy probe.

Mr. Karl Uechker has a brief statement before questions at this time, because this is a legal matter, a case for the court of law, so he will rest his testimony with our tapes, films, sound recordings and other relevant matter.

Let us join together in this spirit of concern and enlightenment and change— as Bobby Kennedy cried to every American, those who loved him and those who hated him— on the critical issues of our times. In view of the outrageous cover-up and falsehood in the Houghton Report and the Sirhan trial, we must now ask, as Bobby did, "Why did we permit it to happen? We must ask why, and you and I must ask our consciences..."

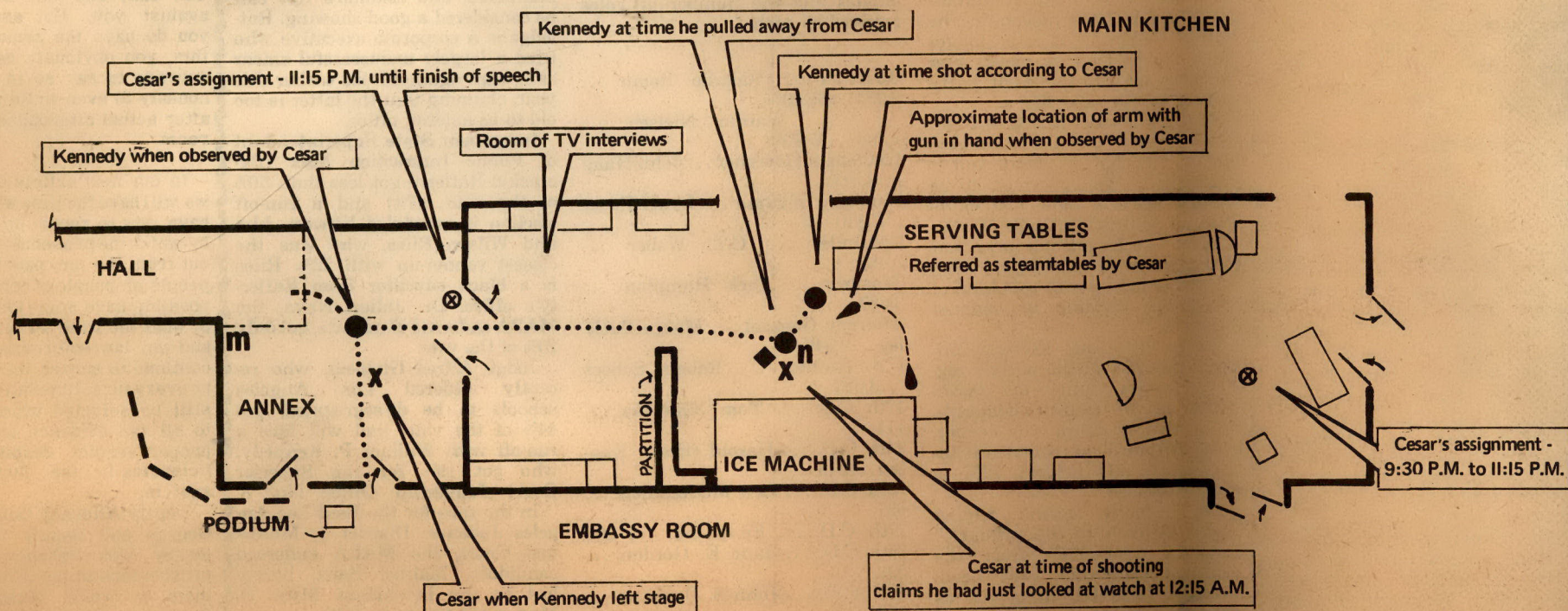


Attorney Godfrey Isaacs (left) and his client, Theodore Charach, a free-lance journalist, at a press conference last Thursday, during which they announced that Sirhan B. Sirhan did not kill the late Sen. Robert Kennedy. AP Wirephoto

- Senator Kennedy
- X Thane Cesar
- n Karl Uecker
- Don Schulman
- m Ted Charach
- ◄ Sirhan

• KEY •

- Kennedy's movements from podium
- Kennedy's intended path to stairway
- Kennedy's originally scheduled path to stairway



(Mount Clipping in Space Below)

Assassination suppression

Columbus Wadsworth

Theodore Charach, the freelance investigative journalist who last week made the sensational announcement that Sirhan B. Sirhan did not kill Sen. Robert Kennedy, stated today that the Los Angeles newspapers have almost completely "blackened out" the story.

He accused the Los Angeles Times, the Herald Examiner, the Hollywood Citizen-News, the Associated Press, United Press International, Time, Newsweek and Life of "completely failing the

people" in their responsibility to disclose the highly explosive new discoveries in the Robert Kennedy assassination case.

"The news media are under severe pressure to withhold and suppress new findings and conceal new evidence in the case," Charach said.

He reserved his heaviest criticism, however, for Peter Noyes, CBS-TV news producer, who, he says, deliberately distorted and misrepresented the information Charach and his attorney, Godfrey

(Indicate page, name of newspaper, city and state.)

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Isaac, disclosed at a press conference last week. "Noyes, Charach said, "who has a pipeline to the intelligence section of the Los Angeles Police Department, bad-mouthed and character-assassinated the sincerity, dedication and veracity of the Charach probe, including the legal representation of Mr. Isaac, who successfully defended the position, stature and character of Dr. Thomas Noguchi, Los Angeles County Medical Examiner and Chief Coroner, who was almost destroyed in his public career in 1969 by the wild, bizarre and incredible charges levelled in the Robert F. Kennedy autopsy.

"At the time of the Civil Hearings in the Noguchi hearings, phone calls between the D.A.'s office and the Noguchi proceedings were rampant, with County Counsel Martin Weekas declaring if the Noguchi medical examination into the R.F.K. wounds were publicly disclosed and defended there would be 'intentional repercussions.' Now the repercussions—from a disillusioned America and a world citizenry appalled by the official L.A.P.D. fraud—have come home to haunt the offices of District Attorney Evelle J. Younger and Assistant Chief of Police Robert A. Houghton of the L.A.P.D. Detectives Branch who, while under the employee of the California taxpayers and BEFORE the constitutional rights of defendant Sirhan Bishara Sirhan are exhausted in higher courts of law, authored a book, the HOUGHTON REPORT, a deliberate official attempt to vindicate the local law enforcement agency, the L.A.P.D., in one of the most appalling miscarriages of investigative and judicial processes in American criminal court history."

Charach stated that he has witnesses who will confirm that at least three men fired guns at the time and place Sen. Kennedy was assassinated, and that Sirhan could not have inflicted the wounds that killed Kennedy.

(Mount Clipping in Space Below)

Mary Sirhan joins hunt for RFK assassin

IVAN DRYER

This Friday, June 26th, Mrs. Mary Sirhan will join RFK assassination researcher Theodore Charach for a TV show taping at which she will ask for a new trial for her son (now on San Quentin Death Row), based on Charach's recent announcements on the case. The taping, for the Robert K. Dornan show, will be held at the KTLA Channel 5 studios at 7:30 Friday evening, and the news media are invited to attend. The show will be aired Saturday at 10:30 p.m. on Channel 5.

Mrs. Sirhan will also announce sending a letter to the Kennedy family asking for their support in the matter. Charach will present further evidence and witnesses from his investigation, first reported in the Freep, June 12-18, 1970. Contrary to speculation by some, Charach is not dropping his probe and will continue to reveal new evidence and press for a reopening of the case.

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(Mount Clipping in Space Below)

RFK probe rally due

IVAN DRYER

In the American system of jurisprudence a man is to be considered innocent until proven guilty "beyond any reasonable doubt." According to that maxim, Sirhan Sirhan should be considered innocent until the witness testimony and evidence unearthed in the Theodore Charach probe is fully tested in a court of law. Charach's findings have cast more than a reasonable doubt on Sirhan's guilt as the murderer of Robert Kennedy.

That Sirhan Sirhan could be considered innocent while held in virtual solitary confinement on San Quentin's death row should be front page news. And it was in the June 12 *Free Press*, but not for the remainder of the press and most of the other news media. They are sitting on one of the major news stories of the decade and are being repeatedly scooped by the "underground" *Free Press*. And not accidentally so.

After this issue became a very personal one to me when my wife was attacked Saturday, June 27, by two intruders demanding information in the case (see the July 3 *Free Press*), I personally telephoned the city desks, assignment editors or news directors of every major local newspaper and TV station, and many of the large radio stations as well. Except for a few outlets, such as KHJ radio, my appeals for coverage to help prevent a recurrence of such violence by exposing it to the people were ignored or suppressed. Since I was told that City News Service served as the news clearing house for almost all local media except the newspapers, I spoke to them on Sunday. (Most of the media I called asked if City News Service had the

story-- and I thought that it did.) The press and media were invited to our home Monday at noon to receive the details of the incident and see the cuts on my wife's face and the bloodstains from those cuts. One reporter for the Hollywood *Citizen News* showed up. The *Citizen News* didn't run her story.

Tuesday I called Mr. Eric Schuman, Assignment Editor of City News Service, asking him why he hadn't released the item. I pleaded with him to do so for our protection (for by now I was very angry and even more shaken by the whole thing). He said that he had serious reservations about the credibility of anything related to Charach's investigation (even if somebody is choked and cut because of it) and he was waiting for a report from the North Hollywood police in our case. (Schuman, a former KNXT employee, had earlier put a freeze on all items relating to the probe--including the news of the original lawsuit.)

Evidently the report was favorable because on Wednesday, KHJ-TV sent out a crew, as a result of picking up the item from City News Service, and filmed an interview with my wife and myself. The interview was shown on the Baxter Ward news that night and again the next day on the Channel 9 morning news. The interviewing reporter said he thought it likely that Channel 9 Tempo would contact us for an in-depth TV interview. They haven't. Neither has anyone else. Either it was by then too late to be newsworthy or... Meanwhile, we are still sleeping uneasily (although the police have been watching the house); my wife is still being followed when she leaves alone; two cars cruised and parked in front of our house at length this past week (we got the license number of one); and the *Free Press* is still the only game in town for reporting what is going on.

It should not be said that others aren't still interested. The *Los Angeles Times* has said it is doing a thorough investigation of our situation and of Charach's assertions. However, while they did say the police had an "unusual curiosity" about our case, they have as yet printed nothing. And CBS news producer Peter Noyes has found time to contact Sirhan appeals attorney Luke McKissack and others on several occasions in order to "clarify" what happened in the Ambassador pantry on June 5, 1968. Perhaps his action was in order that any open minds might not be unduly prejudiced by the witness testimony in Charach's tapes (much of which was transcribed in the July 3 *Free Press*) or so that the testimony might not conflict with his own theories on their dissemination.

(Indicate page, name of newspaper, city and state.)

Pg. 2 Free Press
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As the Free Press reported last week, KTLA's Robert K. Dornan show (on which Charach, Mrs. Sirhan and ourselves originally appeared the night after the attack took place) cancelled our return appearance scheduled for July 18. In view of this, and of the important announcements Mrs. Sirhan will make at a news conference later this week, we felt an alternate forum was called for.

Saturday, July 25, The Echo Park Commission on Law and Order will provide an opportunity for the cancelled Robert K. Dornan segment to take place *without* Robert K. Dornan, KTLA's auspices or any mysterious outside pressures. We will even invite ex-chief Tom Reddin, who was advised by KTLA attorneys not to appear on the Dornan show because whatever he said might be used against him if a new trial were opened, according to Dornan's producer Mike Casey.

The press will also be invited to hear Mrs. Sirhan, Mr. Charach and other witnesses discuss the case and listen to some of Charach's recorded evidence. Also present will be Jeff Brent, Continental News reporter with Charach at the Ambassador, who recorded the actual assassination and the subsequent interviews of eyewitness Donald Schulman who claimed then (as verified by a Jerry Dumphy newcast that night) and does now (despite severe pressures to recant) that a security guard fired and hit RFK.

This benefit rally and hearing of evidence will take place at 8:00 p.m. at the Sepulveda Unitarian Universalist Society Church, which you'll remember as the site of Chicago Seven Attorney William Kunstler's appearance earlier this year (see the Calendar section for details).

At the rally, the Echo Park Commission will announce further plans for its March on Washington set for Nov. 22 of this year to demand new, honest and open investigations of the American political assassinations of the 1960's. Photographic evidence dealing with the JFK conspiracy and its coverup will also be presented, and items of evidence will be made available to the public.

It is often asked, "Sure, this is important, but what can I do?" Visit us and we'll give you some simple but very effective— and ~~new~~ ideas. It is not impossible unless we continue to think it is.

(Mount Clipping in Space Below)

U.S. BANS MRS. SIRHAN'S TRIP TO SEE GUERRILLAS

NEW YORK (AP) — Mary Sirhan called off a planned trip to Jordan Tuesday night when the U.S. State Department revoked travel papers for her and two lawyers accompanying her on the trip.

Today Mrs. Sirhan issued a plea to Arab guerrillas in her native Jordan today to free their 180 airplane hostages because it "is in our blood to forgive and release."

Mrs. Sirhan said at a news conference at Kennedy International Airport she hoped her distance from the guerrillas would not "weaken my message."

Mrs. Sirhan said she planned to return to Los Angeles Thursday.

Mrs. Sirhan said although "just like any mother," she would like amnesty for her son she wanted to meet the guerrillas in Amman for humanitarian reasons.

"I would plead to them, 'Don't forget you are an Arab and don't forget the earlier times before Israel—this is in our blood to forgive and release,'" she said.

Mrs. Sirhan, mother of Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy said she wanted to talk with Arab guerrillas.

A State Department spokesman, confirming the revocation, said "it was thought it—the trip—would be prejudicial to U.S. interests" while negotiations were continuing for the release of 178 airline passengers being detained in Jordan by Palestinian guerrillas.

"It was being done at a time when the most serious negotiations were going on," he said. "Our central concern is the safety and return of all the people aboard the planes."

The spokesman said the two lawyers' passports were ordered revoked and Mrs. Sirhan, an alien not carrying a full-fledged Jordanian passport, was included in the order.

Luke McKissack, her attorney, and an investigative aide, Mike McCowan, said their passports were canceled upon arrival at Kennedy Airport from Los Angeles Tuesday night. McKissack called it "a dastardly action without legal foundation."

Appearing with them at an airport news conference, Mrs. Sirhan said repeatedly, "We need to understand each other."

"The (Palestinian) guerrillas have no houses, no homes. They have been tormented for 22 years. Their beds are the ground," she said.

The projected trip to Amman was arranged following a report that Sirhan's freedom was among stipulations made for the release of the jetliner passengers in Jordan. Later, however, the Popular Front for the Liberation of Palestine denied this.

A young Palestinian Arab refugee, Sirhan has been in the San Quentin prison death row since his conviction last year of the 1968 assassination. Sirhan said he shot Kennedy because the senator advocated the sale of American jet bombers to Israel — in Sirhan's words, "A friend of my enemy is my enemy."

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

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—AP Wirephoto

TRIP CANCELLED FOR MRS. SIRHAN
Mother weeps after learning of U.S. ban

(Mount Clipping in Space Below)

Bomb Check Delays Mrs. Sirhan Jet

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
Los Angeles, Calif.

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Sirhan's Flight to Jordan Delayed by Bomb Search

Sirhan B. Sirhan's mother flew to Amman, Jordan, today to meet with Palestinian guerrillas over reports that they have demanded her son's freedom. Her giant 747 jetliner was delayed more than an hour at Los Angeles International Airport for a bomb search.

The Trans World Airline plane lifted from the runway at 10 a.m., bound for the Mideast after passengers and luggage were thoroughly checked.

The plane was scheduled to leave at 8:45 a.m. TWA officials said that the wave of hijackings in the Mideast prompted a "positive baggage search."

Each passenger boarding the plane was asked to pause on a metal detecting device.

Mrs. Mary Sirhan and her son, Munir, boarded Flight 100 with no comment to waiting newsmen at the airport.

Atty. Luke McKissack, who represents the 26-year-old convicted assassin of Sen. Robert F. Kennedy now on San Quentin's Death Row, accompanied the Sirhans on their flight to Amman.

While leaders of the Popular Front for the Liberation of Palestine have declared they did not ask the release of Sirhan as part of an exchange for 180 pas-

sengers and two jet planes, McKissack was optimistic about the journey.

The lawyer told newsmen that he and Mrs. Sirhan "have reason to believe the authenticity of the report that Palestinian guerrillas have demanded the release of Sirhan."

"One of the things we are going there for is to determine whether Sirhan's release is, in fact, an issue," McKissack said.

He said that he felt that it was his duty to a client awaiting a death sentence to consider any means for his release.

McKissack said that Mrs. Sirhan is determined "to earnestly entreat" the guerrillas to take no lives.

The attorney said that he has had no contact with leaders of the Popular Front, and the trip to the Mideast is in no way linked with efforts of the U.S. State Department to free Americans seized as hostages by the plane hijackers.

An Arab guerrilla in Beirut, Lebanon, yesterday reported

the release of Sirhan, on Death Row since May 23, 1969, as a condition for the safe return of

passengers aboard the two captured airliners.

Yesterday, McKissack said that Mrs. Sirhan favored the release of her son to insure the well-being of both Sirhan and the hostages.

When guerrilla leaders later denied the Sirhan demand, Mrs. Sirhan was unavailable for comment. She had broken down in tears earlier at a news conference.

McKissack said that an associate of his during the Sirhan trial, George Shibley, had flown to Beirut when reports of the demand for Sirhan's release began circulating yesterday.

Sirhan previously had expressed belief that he will be freed through some sort of prisoner exchange.



Mehrald-Examiner photo by Michael Haering

PASSENGERS INCLUDING SIRHANS, WAIT ABOARD TWA 747 JET WHILE AIRPORT OFFICIALS SEARCH LUGGAGE FOR BOMBS
 Tension in Mideast and rash of hijackings prompted complete search of those boarding plane and all baggage placed aboard



—Herald-Examiner Photo

MARY SIRHAN AND SON MUNIR LEAVE TO BOARD JETLINER
Pair passed under careful eye of airport guard as extra security was in force

(Mount Clipping in Space Below)



NAMED IN HIJACKING—Leila Khaled, 25, identified by police as the female accomplice in the bloody hijack attempt over England, had a gun close at hand in this recent picture. She is the Palestine Liberation Movement's best known exponent of "Women's Lib." She was overpowered in the hijack attempt.

(Indicate page, name of newspaper, city and state.)

I-2 Los Angeles Times
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FBI - LOS ANGELES	

(Mount Clipping in Space Below)

U.S. Halts Sirhan's Mother on Trip to Appeal for Hostages

BY DAVE SMITH
and CHARLES T. POWERS
Times Staff Writers

The State Department Tuesday blocked Mary Sirhan's trip to Amman, Jordan, where, she said, she hoped to talk Palestinian guerrillas into releasing hostages held on two hijacked airliners.

Mrs. Sirhan, mother of the assassin of Sen. Robert F. Kennedy, left Los Angeles Tuesday morning, announcing that she would discuss a purported guerrilla demand—later denied—that her condemned son, Sirhan Bishara Sirhan, be released from San Quentin Prison's Death Row in exchange for the prisoners.

But when Mrs. Sirhan, accompanied by Los Angeles attorney Luke McKissack and his investigator, Michael McCowan, arrived at Kennedy Airport in New York, her party was met by State Department officials. The officials halted the trio's flight to Athens, which would have been the second leg of their trip to the Jordanian capital.

Mrs. Sirhan wept bitterly and McKissack charged the State Department with a "dastardly action without legal foundation."

In Washington, a State Department spokesman said the passports of McKissack and McCowan were revoked. The spokesman said the secretary of state may revoke the passport of any U.S. citizen if he deems their activity abroad "would be prejudicial to the foreign policy of the United States government."

Mrs. Sirhan, who is an alien, did not have her passport revoked, but permission for her trip was denied. The

State Department said an alien may be prevented from leaving or entering the country for the same reasons.

It was understood that the State Department believed delicate negotiations involving four other nations might be imperiled by Mrs. Sirhan's journey.

McKissack, who is now preparing Sirhan's appeal of the death sentence, said the party plans to return to Los Angeles today.

Mrs. Sirhan made the decision to take the trip suddenly.

"I was shocked to hear that they would take human lives," she said of the first reports that Sirhan and Arab prisoners in other nations had been named as ransom for the hostages, who, guerrillas said, would be killed if the "ransom" were not forfeited.

Mrs. Sirhan, McKissack and McCowan had been scheduled to leave Los Angeles about 8:45 a.m. via Trans World Airlines, but were delayed about an hour while TWA officials took extra security precautions, including a bomb check. One of the hijacked airliners now held in the Jordanian desert is a TWA Boeing 707.

Mrs. Sirhan, McKissack and McCowan flew to New York, where they were to meet Adel Sirhan, 31, the third of Mrs. Sirhan's five sons, and go to Amman.

Adel flew to New York at 1:25 a.m. Tuesday to clear up passport difficulties.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
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ties, McCowan said. The Sirhans, though Pasadena residents for more than 13 years, are Jordanians and classified as resident aliens.

Mrs. Sirhan was accompanied to the airport by her youngest son, Munir, 21, who said his mother made up her mind to go to Amman Monday, after first hearing that the guerrillas were demanding Sirhan's release.

He said Mrs. Sirhan told him, in Arabic: "I will go to the far corners of the earth to find peace."

Asked before her departure why she had decided on the venture, Mrs. Sirhan had said, "I am like the rest of the people. I'm tired of war, I'm tired of fighting, I'm tired of killing and bloodshed. We must have peace."

Asked then who was financing the trip, McKissack had said he hoped to explore the possibility of doing a profitable television program when the venture is finished. He also suggested that TWA might be willing to help with the expenses, since it owns one of the hijacked planes.

McKissack had said the purpose of the trip was three-fold: "First, we want to find out if the demand for Sirhan's release was genuine. Then we want to interview the passengers and find out their condition and their desires. And also, Mrs. Sirhan wants to make an earnest plea that no blood be shed or lives lost."

McCowan said Sirhan—whose first words after shooting Kennedy on June

5, 1968, were "I did it for my country"—has become a national hero to the Popular Front of the Liberation of Palestine.

It was a PFLP guerrilla spokesman in Beirut, Lebanon, who first voiced the demand for Sirhan's release. The PFLP command in Amman later denied, however, that Sirhan was part of the package.

At first report of the demand Monday, Long Beach attorney George Shibley, part of Sirhan's defense team and himself of Lebanese background, flew to Beirut to investigate.

Later the PFLP denial was issued, but Mrs. Sirhan, without hearing further from Shibley, made up her mind to go anyway.

At San Quentin, Assistant Warden James Park said Sirhan had heard of his mother's mission on the radio, but expressed no particular reaction.

The suggestion that Sirhan might one day be exchanged for Palestinian hostages was first made more than one year ago, near the conclusion of his trial.

Then-defense attorney Russell Parsons said Sirhan had hinted at the possibility and it was also discussed in a limited way by Detroit attorney Abdeen Jabara, also of Lebanese

extraction and active in pro-Arab causes.

Tuesday's spur-of-the-moment flight from Pasadena was not Mrs. Sirhan's first such impromptu peace mission.

Last October she flew, with little notice and no invitation, to New York in hopes of addressing the U.N. General Assembly on behalf of world peace.

She was disappointed in that aim, but instead was given a 15-minute interview with Under Secretary for General Assembly Affairs Constantin Stavropoulos.



DEPARTURE—Mary Sirhan on way to plane here with son, Munir, left, and attorney Luke McKissick.
Times photo by Fitzgerald Whitney

(Mount Clipping in Space Below)

Undercover Agent Led to Kennedy Drug Count

BARNSTABLE, - Mass. (UPI)—The taxi driver who took Robert F. Kennedy Jr. to retrieve a pet falcon July 10 was an undercover narcotics agent whose actions led to the arrest of the boy and his cousin Robert Sargent Shriver III on marijuana charges that night, it was learned Friday.

UPI also learned the two youths will be leaving the Kennedy compound on Nantucket Sound "as soon as possible" to spend time with relatives.

Kennedy, son of the assassinated New York senator, will return to McLean, Va., while young Shriver, Kennedy's cousin and son of the former ambassador to France, will go to New York, a family source said.

Kennedy's pet falcon es-

caped July 8 and the boy broke his right wrist falling from a tree when he tried to retrieve him. The bird was captured two days later in Cohasset, about 60 miles across Cape Cod Bay, near Boston.

Young Kennedy took a taxi to Cohasset to recover the bird that day, the 10th. The taxi driver "was definitely an undercover agent" investigating the rise of narcotics use on Cape Cod, a police source said. He declined to identify the driver-agent or collaborate on the way in

which he helped in the arrests.

The names of the two youths were taken by authorities the night of the 10th in a drug raid in Hyannis Port but not in the family compound. The incident was not revealed until Wednesday, a day after the boys were served with juvenile warrants charging them with illegal possession of marijuana and conspiracy to violate the state drug laws.

They appeared Thursday in the juvenile session of district court and received a stern lecture from the judge, who continued their case along with those of 100 other juveniles—all reportedly first offenders, like Kennedy and Shriver for a year without finding.

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(Mount Clipping in Space Below)

Charach probe goes on

Investigator-documentarian Theodore Charach is hunting down clues regarding the whereabouts of the so-called "Albuquerque woman" in the Bobby Kennedy assassination mystery.

The *Free Press* learned exclusively that an unidentified assassination witness called Beverly Hills attorney Godfrey Isaac during the "witch hunt" against Dr. Thomas T. Noguchi, the chief Los Angeles County medical examiner and coroner, whose civic job was reinstated after the bizarre charges against him dealing with the Senator Robert F. Kennedy autopsy were dropped during the Noguchi hearings. This witness was known as "Albuquerque" and expressed vital information and evidence crucial to the Bobby Kennedy kitchen pantry execution. Under extreme fear and intimidation, the Isaac office offered the "Albuquerque woman" alleviation by offering to send for her testimony via private arrangements.

Prober Theodore Charach has appealed to the "Albuquerque woman" to contact him immediately by writing details, address and phone number currently to the *Free Press* office, 7813 Beverly Boulevard, Los Angeles, California. Charach has requested witnesses with information, new testimony and photographs relevant to the R.F.K. assassination to write requesting interview appointments. Important new developments are pending in the case.

It is also announced that *Computers and Automation*, the scientific and technical magazine based in Newtonville, Mass., in October will feature a special comprehensive report of the Theodore Charach probe. Charach's elaborate discoveries, for which he has taped

and filmed evidence, will be channeled into computer analysis for research and factual accounting of the Bobby Kennedy tragedy, the story of Sirhan and the involvement of other conspiratorial operatives. Editor Ed Berkeley will supervise the R.F.K. operation, augmented by J.F.K. investigator Richard E. Sprague, whose extensive photo analysis of the Dallas conspiracy in the elimination of President Kennedy received widespread acclaim in the May and July issues of *Computers* magazine. When Sprague congratulated Charach on his 26-month research and documentary of the R.F.K. assassination, Eastern facilities for film and photographic scientific analysis were offered. Charach will make special journeys to New York and Washington, under the auspices of the National Committee to Investigate Assassination, coordinating the findings in the assassinations of J.F.K., M.L.K., and R.F.K.

The international press has committed itself to coverage of the new Charach revelations—breaking the domestic suppression on policy—with the London *Telegraph* leading off in a feature story July 26 by Los Angeles correspondent Gloria Geale, releases in Australia's *Truth* Tabloids, broadcasts by Gerard Alcan over Europe One, and the extraordinary interviews with Karl Uecker, corroborating Charach's audio-visual material in the German press filed from Hamburg this month.

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(Mount Clipping in Space Below)

Thomson tells all: The Quest for Truth

Editor's note: Faithful Bruin readers will not have to be reminded that George C. Thomson is a registered civil engineer who has spent several years investigating the alleged assassinations of John Kennedy and his so-called brother Robert. The reason is simple. The Summer Bruin published a provocative precis of the dark discoveries made by Mr. Thomson. Now, in a Daily Bruin exclusive, the unexpurgated version of Mr. Thomson's "Quest for Truth" sees the light of day in print for the first time.)

Welcome to "The Quest For Truth," the fully documented true story of the assassination of President John F. Kennedy, and presenting Southern California's well-known engineer and author, George C. Thomson.

Question: Mr. Thomson, to begin the program tonight, how did you become interested in the John F. Kennedy assassination?
Answer: Well, it is rather peculiar, and more of a coincidence. I am a graduate of the University of California and I have my own consulting engineering practice. In November, 1963, I had tickets for the traditional game between Stanford and California. And on that Friday, Nov. 22, 1963, much to my dismay, I heard on the radio that President Kennedy had been assassinated.

I subsequently found out that the tickets to the game had been cancelled. Nevertheless, we went up to Berkeley with some friends and watched this extravaganza on the television instead of going to the game.

I was convinced that the thing was mathematically impossible for the events that happened not to be interrelated with each other. So from that time on, I had a big box in my bedroom into which I threw all clippings, thinking that one day it might help me figure out what the truth was.

Question: It has certainly turned out to be an interesting subject and you have gone to great lengths to bring out the full facts of the case. Now, what is the key to the solution of the problem of the windshield bullet?
Answer: Yes, well up until Oct. 2, 1964, all I had was a vast array of information that got increasingly more confusing. But on that date, my wife was in Palm Springs and I bought a couple of magazines. This was the date that the Warren Commission conclusions were published.

I started by trial and error, which is a mathematical process, to establish where the bullets came from because this seemed to be a big mystery as far as the whole crime was concerned.

Well, I observed, after sitting up most of the night, much to my dismay and excitement, that the only way that the windshield bullet could have been effected was for the bullet to have come from the side because the front windshield and the rear windshield separating the driver from the occupants in the car were bullet-resistant windshields.

If the bullet had come from either the bridge or Depository Building it would first have to have shattered the windshield. So I drew a rough line, not knowing whether it was 50 feet or 200 feet away, and then by carefully inspecting the position of the heads of the people who were injured as to whether they moved backward, forward or sidewise, I was able to effect a similar line for what was termed the "throat bullet."

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89-75-512

62-0-49176

89-75-667

62-0-46365

89-75-651

George Thomson

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Drawing these lines to an intersection gave me a rough point of reference as to where the bullets originated. Surprisingly enough, I made the test on all the other wounds and, neglecting the testimony of the sounds of the bullets, but just going to the wounds that were inflicted, I found that each one of these bullets would have intersected roughly at a point, not over by the Depository Building, but across from the Depository Building about five feet back from the curb.

Well, I was sufficiently versed in mathematics to know that you can't get a series of four independent lines coincidentally intersecting at a common point and not know that this was where the bullets should have originated.

Well, from that point I went to the published pictures. Lo and behold, I found a man with his arm extended, dressed in a black overcoat and a black, what looked like a, Homburg hat in the act of shooting at the motorcade.

Well, this was the start of what I termed at that point, The Quest For Truth. And believe me, it has certainly been a quest.

Question: I think it has been very interesting and certainly wonderful for someone to take the time to look into this thoroughly because it seems that many people have concealed many facts on the full explanation of the Kennedy assassination. Now, Briefly, what happened at Houston and Elm in Dallas, Texas on the day of the assassination?

Answer: Well, further research brought up a very startling observation. And that is this . . . when the Warren Commission Report was published, which is an 888-page of conclusions, there was also announced that there was 26 volumes of close testimony and exhibits that supplemented the conclusions. I sent to Washington to the Washington Printing Office for a copy and sent in my check (I think it was for \$72.00). This is the most exciting and most historical piece of written material that has ever been produced in this country in the last 100 years.

After studying the testimony of the Secret Service agents who were riding in the security cars, of not only the President but the Vice President, I found that without exception all of these men testified that a firecracker was discharged almost simultaneously with the impact of the bullet. In fact, I found the testimony of one Secret Service agent, a man by the name of Agent Taylor, stated that he actually saw a firecracker on the ground. A woman bystander testified that she also saw a firecracker on the ground.

A study of the famous Altgens photograph indicates that the firecracker is actually visible in this photograph. You can see two white streaks of light that are between the car and a figure that closely resembles Mr. Oswald standing on the threshold of the Depository Building.

So these Secret Service agents who are trained to tell the difference between caliber of bullets certainly wouldn't come to the conclusion that a firecracker was discharged, and so state in their testimony before the Commission unless they were fully convinced that this was a fact.

Question: Well, then your basic conclusions are then, of course . .

Answer: Well, the basic conclusions are quite obvious. At least two firm conclusions can be drawn at the time of this investigation, meaning my investigation and that was; that Oswald certainly didn't shoot the President and second, the evidence of the firecracker indicates that there was a conspiracy.

Question: I believe you have proved this conclusively in the evidence you presented to me. I can see by the many documents you have in front of you that much of the proof is here. Now I understand that further

research has discovered that President Kennedy wasn't in the car at the time of the so-called assassination of President Kennedy.

Answer: Now the fact that President Kennedy was not in the car was the result of an entirely unexpected development. I made a radio broadcast at the courtesy of Mr. Tom Duggan and I brought out the facts I have just stated; that there was a conspiracy and I concluded that there was a counter-plot at the time of the assassination which involved Oswald, who I concluded was a secret agent of the federal government and had actually discharged the firecracker in order to simulate an assassination and catch the people who were responsible for the attempt. Well, Mr. Duggan was adamant and he told me on the radio that this was absolutely nonsense because the President wouldn't allow himself and his wife to go down the street with the bubble-top off and be subjected to a possible assassina-

tion if he and the Secret Service knew that such an assassination was planned. Well, this I could understand was the truth . . . that Mr. Duggan was stating the truth . . . and I knew that I was stating the truth . . . and it developed into a search to see if the actual understanding that these two basic truths could be reconciled. Well, I found, amazingly enough, there was supporting evidence to the effect that President Kennedy was not in the car.

Now this amazing development has led into a labyrinth of other conclusions and it reaches into the highest annals of the government; it touches on all sorts of philosophical and religious aspects; it is indeed a shocking discovery.

Question: Well, I would like to ask you one question. Have you presented this to the government figures involved?

Answer: Yes, and this is all set forth in my book, "The Quest For Truth," as my effort to get some responsible government official to take this thing and

clean it up because I saw it as a danger to our life, a danger to our historical democratic processes and everything people have been fighting for in this country through all of the wars up to date.

Question: Well, I have seen some of the documents that are replicas of the original requests that you have sent to different people just asking their information or maybe their affirmation of your conclusions and it seems that most of them shrug it off as unimportant or attempt to bypass the actual answering of the question.

Answer: Well, I felt that each time this matter came up I'd search my conscience to see what was the proper thing to do and, of course, on Oct. 2 when I found the basic answer to this thing, the next day I called the Federal Bureau of Investigation in Washington long distance and gave them the essence of what I had found. About two or three days later, an agent of the FBI came into my office and I showed him all my documents and he

went away thoroughly convinced that what I had was the absolute truth.

Question: And what did he do to take care of the situation . . . After being convinced?

Answer: This is a very disturbing thing and it is perplexing. And it has only been recently I believe I have found the reason for the seeming inaction by the Federal Bureau of Investigation.

Question: Well, what is the reason?

Answer: Well, I think the reason is that the problem is so vast, so absolutely vast, that it isn't something . . . that the simple thing to do is to go out and arrest the people and put them in jail and try them . . . but I'm finding out it is much more complicated than that. Our judicial system, our executive system and our legislative system are so involved in this terrible thing that it is not a simple matter of arresting somebody for a crime as you would normally expect in our country, for such steps to be taken.

Question: It seems that the easy thing to do, as far as the government is concerned or the people who are involved, would be to look at the facts and to make a definite decision and give you an

answer, "Yes" or "No" as to whether these facts presented are correct.

Answer: This, of course, I was hopefully desirous of being done. I sent this material to newspapers, to television stations, to government officials; I wrote to Charles deGaulle, thousands of people; Winston Churchill when he was alive; Adlai Stevenson, just before his sad demise; I begged Mr. Thant, the Head of the United Nations for assistance in this thing, and now I find myself to the point where I have to go on my own radio program expending my own funds in order to bring this massive fraud to the attention of the American people.

Question: Well, I think it is a very good idea. I think you should present this to the American people and let them make their own decisions as to the facts in the case and the many things that have been covered up.

Answer: At this time I would like to get into some of the latest developments that we have found in this conspiracy. As I have stated, John F. Kennedy was not in the car and, consequently, was not killed on that date. Curiously enough, I found in my research a very reputable magazine from New York which carried a story that someone had secretly made a tape from which Earl Warren had stated to some news reporters that President Kennedy, contrary to reports, had died of natural causes.

(Mount Clipping in Space Below)

Arrest Sirhan's brother

The brother of Sirhan B. Sirhan, convicted murderer of Presidential candidate Robert Kennedy, was arrested last night by a Lancaster - based California Highway Patrolman following a traffic accident on the Angeles Crest (Highway 2) near Dawson Saddle.

Saidallah Bishara Sirhan, 38, Pasadena, was a passenger in a car driven by Roland Pierre Dion, 22, Pasadena, when it plunged to the bottom of a 200-foot cliff on the Crest.

Dion was arrested on assault with a dangerous weapon charge after he threatened

Patrolman David Ritenour with a baseball - sized rock.

Sirhan was arrested on drunk in a public place charges and was released at 4 a.m. after five hours in the Antelope Valley Sheriff's office jail. Sirhan signed a promise to appear Nov. 4 at 10:30 a.m. in the Antelope Municipal Court.

Sirhan was apparently a passenger in the car driven by Dion. The pair was reportedly traveling from Pasadena to Mt. Wilson when the vehicle left the road and went to the bottom of the cliff.

CHP reports on the accident

were not complete this morning, but when Ritenour arrived on the scene at about 7:45 p.m. Dion and Sirhan were beside the road.

Ritenour reported that Sirhan was very drunk and unable to care for himself. He placed Sirhan under arrest and half-carried the 133 pound man to the patrol unit. Ritenour seat belted the handcuffed Sirhan into the right front seat of the unit.

Ritenour reported that Sirhan began a stream of profanity that lasted an hour and a half and that Sirhan kicked the

Indicate page, name of newspaper, city and state.)

Page 1
LEDGER-GAZETTE
Lancaster,
California

interior of the patrol unit until he shut off the car's radio.

Dion, who Ritenour reported as sober, threatened the officer he would "waste" him, throw him over the edge of the road, and take the patrol unit back to Pasadena.

Dion changed attitude rapidly, Ritenour said, and was very pleasant at times and very profane at others.

Dion refused Ritenour's offer of a ride from the isolated area and started to walk away. Ritenour's son David Glen Ritenour, 14, riding as an observer, saw Dion pick up a rock and start to return to the patrol unit. Young Ritenour warned his father who called to Dion to stop and drop the rock.

Dion continued toward Ritenour who drew his revolver and repeated the warning. When Dion continued, Ritenour backed up a few steps and pulled out his baton. He stopped backing and Dion continued toward him. Ritenour pushed him in the chest twice with the baton then struck Dion over the head. The rock fell from his hand as he fell to the ground.

Ritenour called for assistance and a CHP sergeant and two officers, three forest service rangers and two sheriff's deputies responded to the scene.

Dion was given six stitches at Antelope Valley Hospital to close the cut in his head inflicted by the baton. He was booked at the sheriff's station at 11:10 p.m. for felony assault on a peace officer.

Dion said that he was intending to throw the rock through the windshield of the patrol car.

In Sirhan's possession at the booking procedures was a copy of the state's penal code.

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Brother of Sirhan Arrested as Drunk

Saidallah B. Sirhan, older brother of Sirhan B. Sirhan convicted slayer of Robert Kennedy, is in the custody of Antelope Valley Sheriff's deputies today following his arrest for public intoxication.

Sirhan, 38, of 1659 N. Lake Ave., Pasadena was booked last

night at Antelope Valley Sheriff's sub-station for "drunk in a public place."

Police said Sirhan and a companion, Roland P. Dion, 22, also of Pasadena, were driving along State Highway 2, near Dawson Saddle, when their car apparently ran off the highway, coming to a stop on the brink of a 700 foot cliff. The car plunged over the cliff seconds after they scrambled to safety.

When a CHP officer attempted to arrest Sirhan, Dion attacked the officer with a fist-sized rock, officers said.

Dion is held on a "felonious assault on a police officer" booking.

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Was Sirhan "Programmed" to Kill Robert Kennedy?



R.F.K.'s friends struggle to subdue Sirhan. Later, the killer was unbelievably calm.

her machine and wouldn't respond when she spoke to him. And moments after the shooting, there was only one person in the chaos of the pantry who was "peaceful": the assassin. Then, when policemen came and took the killer away, they shone a flashlight into his eyes. They found his pupils dilated—evidence that he was under some alien influence: drugs, alcohol, who knew what? And Sirhan was unbelievably detached when the police led him through an all-night interrogation, a most unusual attitude for a young man who had just gunned down a man whom he later said was "a god to me."

How did Sirhan come to be in such an unusual mental state on the night he killed R.F.K.?

As late as May 7, 1970, several days after

a Los Angeles jury condemned him to die in the gas chamber at San Quentin, Sirhan compared himself to the original "assassins"—the *hashshashin*, members of a secret Mohammedan cult who drugged themselves before they committed their appointed murders. "It must have been something like that with me," he said.

I believe him. I had sat in on most of the hypnotic sessions Sirhan had undergone with a psychiatrist, Dr. Bernard L. Diamond, dean of the School of Criminology at the University of California at Berkeley. Those sessions produced far less information than Dr. Diamond had hoped they would, but they convinced me that, while Sirhan didn't tell the whole truth under hypnosis, he was not faking when he said he couldn't remember the details of the assassination.

But why couldn't he?

Dr. Diamond believed that Sirhan had unconsciously "programmed" himself exactly as a computer is programmed by its magnetic tape . . . for the coming assassination. That night he had then gone into a spontaneous trance under the influence of some bright lights, some mirrors and a little liquor, and finally proceeded to the crime itself.

But if that were true, Sirhan should have had some recollection, if not of the killing, at least of the programming process. He didn't remember that, either.

Was it possible that someone else had programmed Sirhan, possibly without his full knowledge? Sirhan didn't like (continued on page 158)

Was Sirhan a computerized assassin? In this preview of a book Sirhan tried to stop, the reporter who knew him best offers a chilling theory.

By Robert Blair Kaiser



In court, on trial for his life, Sirhan Bishara Sirhan said he first made up his mind to kill Robert F. Kennedy when he saw a film biography of Senator Kennedy that was

shown for the first time in Los Angeles on May 20, 1968. No one then asked Sirhan how it happened that he scribbled "R.F.K. must die" in his diary two days before that—on May 18. Sirhan's lawyers and the prosecuting attorneys apparently decided to accept the assassin's story that he was an "Arab hero" who had acted alone to kill Robert Kennedy because Kennedy favored selling U.S. jet fighters to Israel.

For two years now we have accepted the official verdict that there was no conspiracy to assassinate Bob Kennedy. I disagree. I did not believe Sirhan's story then—and I still don't.

When I think of Sirhan Sirhan, I think of a blank slate upon which ideas could be imposed with ease—or, better, a piece of videotape on which certain images could be electronically imprinted and sounds electronically etched. He was erasable and replayable. Through long

conversations with Sirhan while he was in jail, I watched him shape and rehearse his Arab hero story. I was more inclined to judge that he was the tool of someone else, that he was kind of an automatic assassin, programmed like a computer, perhaps, to kill Kennedy—but almost certainly switched on by others.

It is my judgment, as the only outsider who has had access both to Sirhan and to the official records, that neither the FBI nor the Los Angeles police nor the prosecuting attorneys nor the defense attorneys probed deeply enough into the conspiracy question. I don't know why the FBI didn't. I think I do know why the others didn't. Questions about a conspiracy would only complicate their lives. The police couldn't admit the possibility of co-conspirators without producing some co-conspirators. Otherwise they'd look inept and their mayor, Sam Yorty, who was running for reelection, wouldn't look very good, either. The District Attorney's office was under public pressure to give Sirhan swift justice. The defense attorneys may have relied too heavily on the police, and I believe they were simply baffled by Sirhan.

In my estimation, there is considerable evidence to indicate that Sirhan appeared to be in a trance the night of June 4-5, 1968, when he shot Kennedy in the crowded pantry of the Ambassador Hotel in Los Angeles.

Shortly before the crime, a teletype operator at the Ambassador noted that Sirhan stared fixedly at

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WAS SIRHAN PROGRAMMED?

continued from page 66

that suggestion. Nor did I. It was a far-fetched theory, fetched in fact from Richard Condon's novel, *The Manchurian Candidate*. There, Raymond Shaw, the anti-hero who had been brainwashed in North Korea, was triggered by the phrase, "Why don't you pass the time by playing a little solitaire?" to riffle through a deck of play-

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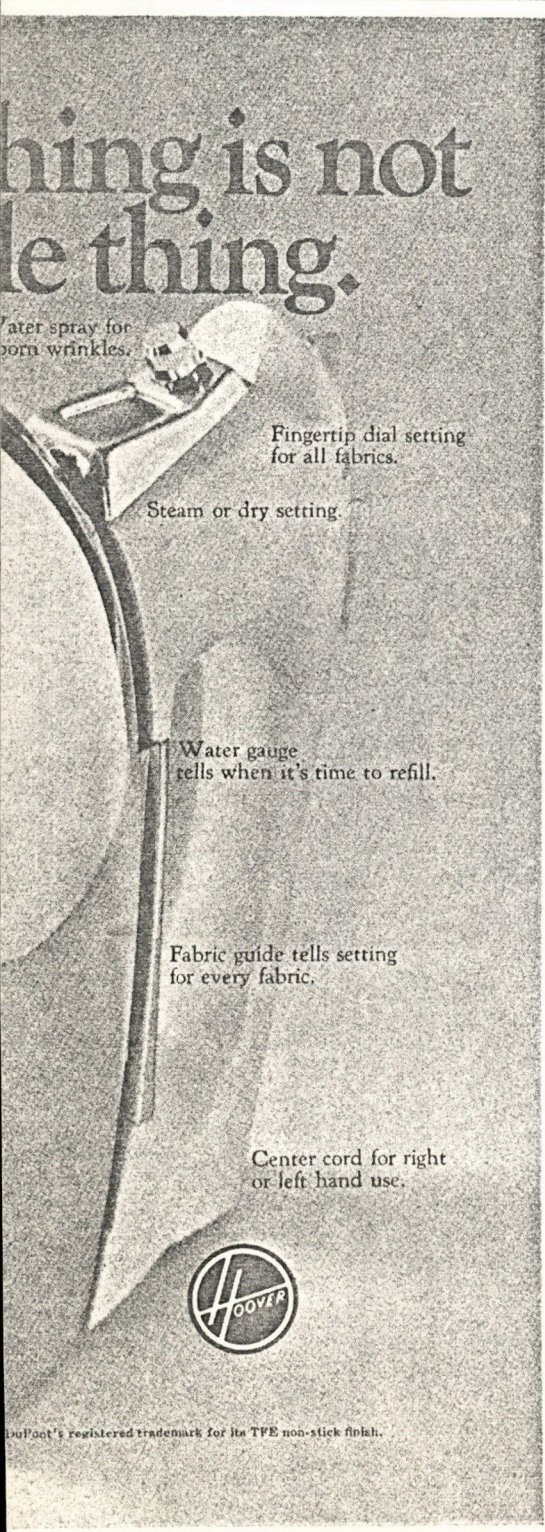
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Could this have been the case with Sirhan? After all Sirhan had experimented with occult mind-bending exercises. I thought the line worth pursuing. And so, marvel of marvels, did Sirhan. He finally asked me, on December 31, 1968, to investigate further. Could anyone have exerted such an influence over his mind?

I did some research and found an interesting real-life example of

Whenever someone says about a place "You can't miss it"—I can

1970 Poor Woman's Almanac

Who would have wanted to use Sirhan in this way? I didn't know. But the police and the FBI (and I) unearthed evidence that Sirhan associated with extremists of both the Right and the Left and that he had some connections with the so-called underworld. I couldn't investigate these ties. But the police and the FBI had the legal mandate and the resources to do so. I could only hope that they would, that, secretly, they were applying wit and imagination even while public-relations-minded spokesmen continued to force the facts or to reveal only those that enhanced their own image—as Robert Houghton, assistant chief of the Los Angeles police, did in his book on the assassination (*Special Unit Senator*, Random House, 1970).

We looked for a conspiracy, Houghton said, and we didn't find one. I think he looked the other way when his own detectives browbeat Thomas Vincent DiPierro until DiPierro retracted his story of seeing "the girl in the polka dot dress" with Sirhan the night of the assassination.

Houghton's suspicions were not aroused by the story of the Pomona bartender who said he saw Sirhan stalking Kennedy on May 20 in the company of a pretty girl.

Houghton overlooked the insurance executive who saw Sirhan at target practice in May at Rancho California, again with a pretty girl. He rushed aside the puzzle of Edward Van Antwerp, who mysteriously disappeared from Corona, Calif., 12 hours before Senator Kennedy was shot and reappeared two weeks later in Eureka, Calif. Van Antwerp had told the FBI he never knew Sirhan when, as a matter of fact, he had roomed with Sirhan for five months. Houghton apparently did not find it strange that the FBI and his own investigators took 10 months to find the man who brought Sirhan to Corona in the first place, Frank Donnauma, alias Henry Donald Camistella of New Jersey.

Houghton overlooked the direct, naïve approaches that investors made to Jimmy Hoffa, and the lies of Hoffa, who were not above suspicion: "Tell us about your contract to have Senator Kennedy killed, Jimmy. No contract? Oh, well, sorry to have bothered you, Jimmy." And Houghton seemingly approved the false thesis that anyone who had facts running counter to the lone-assassin theory was "psycho."

It wasn't easy for Houghton to ignore the evidence in Sirhan's notebook that Sirhan associated the killing of Robert Kennedy with some kind of payoff to himself. Whenever

Kennedy's name appeared there, it is always accompanied by the phrase, "Please pay to the order of Sirhan." That should have aroused the suspicions of anyone over eight, much more of a police officer who was always ready to expect the worst. But Houghton made the supreme effort. He ignored that, too, partly because he assumed that Sirhan would have to have had the money in hand before he struck and Houghton couldn't find

forget any promises of money: "I have never heard please pay to the order of of of of of of of of this or that 80000."

Sirhan never could explain the references to money in his notebook. Where did the instructions come from? From Sirhan or from somebody else?

It was possible that these orders came from somebody else, and that Sirhan then drummed them into his own mind. But no one could say with

"Sirhan," said Dr. Diamond, "did anybody pay you to shoot Kennedy?"
Five-second pause. No answer.

"Did anybody pay you to shoot Kennedy, Sirhan?" A sigh.

"Yes or no?" Two-second pause. "I can't hear you."

"No?"

"No? No one paid you to shoot Kennedy. Did anybody know ahead of time that you were going to do it, Sirhan?"

Two-second pause. "No."

"No?" Dr. Diamond asked.

"Did anybody from the Arabs tell you to shoot Kennedy? Any of your Arab friends?"

Immediately: "No."

"Did the Arab government have anything to do with it, Sirhan?"

Immediately: "No."

"Did you think this up all by yourself?"

Sirhan paused six seconds.
"Yes," he said.

It would, furthermore, take even a man with Dr. Diamond's skills more time to explore with Sirhan the significance of his assertion that he could, for instance, "blow the top off this case" if he chose to say what he knew. Even Dr. Diamond would need more time to see what had prompted Sirhan's successive stories that Lyndon Johnson or Richard Nixon or James Hoffa had put him up to killing Kennedy, more time to find out why Sirhan thought that "the FBI did a lousy job of investigation" and "didn't know everything."

Secretive fellow

It is impossible now for me to recheck the facts with Sirhan. He has refused to see me any more. He became angry about the kind of book he suspected I was writing about him, and sued to prevent its publication. My narrative shows a new Sirhan: a secretive fellow whose pseudo-explanations, evasions, fabrications and lies would give many readers reason to conclude that he might be nothing more than a hired gun. Sirhan was afraid that my book would reopen the case. That apprehension made him very unhappy. He rather liked his identity as an Arab hero. And I was taking it away from him.

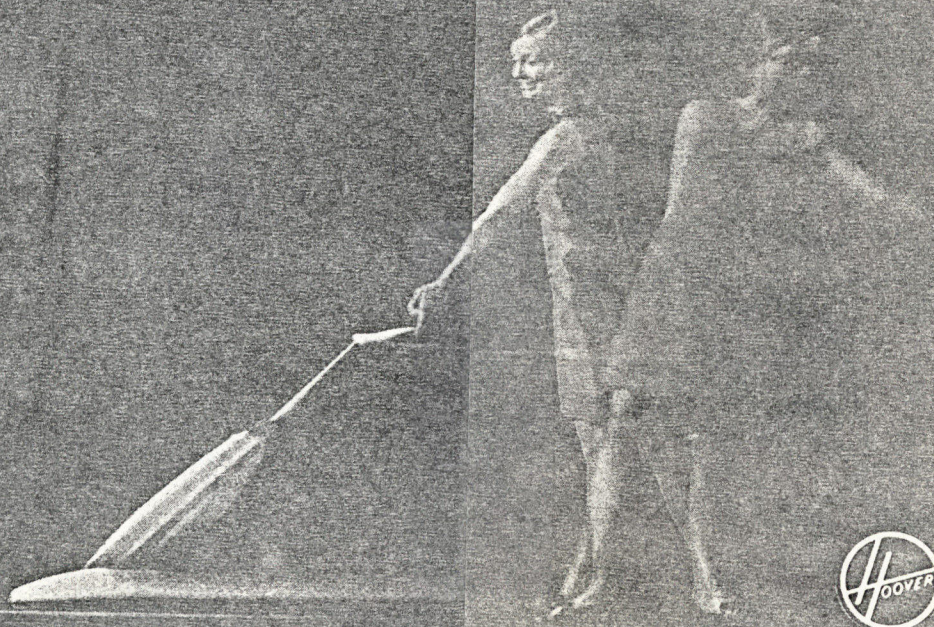
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*This is a way of life
this letting go,
this willing to be free
of tension and of doubt,
of looking up and out,
of believing
in the dark,
that there is a light
somewhere.
And a Lark.*

Just touch the Hoover Dial-A-Matic with Power Drive, and it goes. Under its own power, not yours. There's no pushing. No pulling. No weight. No work.

It adjusts itself to any type carpet. Automatically. From the shaggiest shag to the smoothest indoor-outdoor carpet. And glides along, effortlessly. Beating as it sweeps, as it deep-cleans.

See your Hoover dealer and try the Hoover Dial-A-Matic with Power Drive. But we warn you, it's love at first touch.



any extra money to support his belief.

It is entirely possible that Sirhan was gunning for Kennedy on a simple promise of money, sweetened by a small down payment. He could have bet that money at the racetrack, or stashed it away, or, indeed, given it to his family.

Grant Cooper, Sirhan's defense attorney, once asked him about the money angle and Sirhan answered with a question of his own: "If I got the money, where is it?"

Here, Sirhan seemed genuinely evasive. But it was clear that in his notebook he was repeating instructions to

certainty. It would take a psychoanalyst as skilled as Dr. Diamond perhaps another year of interviews with Sirhan to test this theory thoroughly—to put Sirhan through more hypnotic sessions in an effort to see if, indeed, his memory had been blocked by some kind of psychological locking mechanism. There was some indication that it was. On certain occasions when Dr. Diamond put Sirhan under hypnosis and asked him about the involvement of others, Sirhan would go into a deep sleep. Once, on January 11, 1969, Sirhan answered some questions quickly and easily. On others he blocked.

Was Sirhan "Programmed" to Kill Robert Kennedy?



R.F.K.'s friends struggle to subdue Sirhan. Later, the killer was unbelievably calm.

her machine and wouldn't respond when she spoke to him. And moments after the shooting, there was only one person in the chaos of the pantry who was "peaceful": the assassin. Then, when policemen came and took the killer away, they shone a flashlight into his eyes. They found his pupils dilated—evidence that he was under some alien influence: drugs, alcohol, who knew what? And Sirhan was unbelievably detached when the police led him through an all-night interrogation, a most unusual attitude for a young man who had just gunned down a man whom he later said was "a god to me."

How did Sirhan come to be in such an unusual mental state on the night he killed R.F.K.?

As late as May 7, 1970, several days after a Los Angeles jury condemned him to die in the gas chamber at San Quentin, Sirhan compared himself to the original "assassins"—the *hashashin*, members of a secret Mohammedan cult who drugged themselves before they committed their appointed murders. "It must have been something like that with me," he said.

I believe him. I had sat in on most of the hypnotic sessions Sirhan had undergone with a psychiatrist, Dr. Bernard L. Diamond, dean of the School of Criminology at the University of California at Berkeley. Those sessions produced far less information than Dr. Diamond had hoped they would, but they convinced me that, while Sirhan didn't tell the whole truth under hypnosis, he was not faking when he said he couldn't remember the details of the assassination.

But why couldn't he?

Dr. Diamond believed that Sirhan had unconsciously "programmed" himself exactly as a computer is programmed by its magnetic tape . . . for the coming assassination. That night he had then gone into a spontaneous trance under the influence of some bright lights, some mirrors and a little liquor, and finally proceeded to the crime itself.

But if that were true, Sirhan should have had some recollection, if not of the killing, at least of the programming process. He didn't remember that, either.

Was it possible that someone else had programmed Sirhan, possibly without his full knowledge? Sirhan didn't like (continued on page 158)

conversations with Sirhan while he was in jail, I watched him shape and rehearse his Arab hero story. I was more inclined to judge that he was the tool of someone else, that he was kind of an automatic assassin, programmed like a computer, perhaps, to kill Kennedy—but almost certainly switched on by others.

It is my judgment, as the only outsider who has had access both to Sirhan and to the official records, that neither the FBI nor the Los Angeles police nor the prosecuting attorneys nor the defense attorneys probed deeply enough into the conspiracy question. I don't know why the FBI didn't. I think I do know why the others didn't. Questions about a conspiracy would only complicate their lives. The police couldn't admit the possibility of co-conspirators without producing some co-conspirators. Otherwise they'd look inept and their mayor, Sam Yorty, who was running for reelection, wouldn't look very good, either. The District Attorney's office was under public pressure to give Sirhan swift justice. The defense attorneys may have relied too heavily on the police, and I believe they were simply baffled by Sirhan.

In my estimation, there is considerable evidence to indicate that Sirhan appeared to be in a trance the night of June 4-5, 1968, when he shot Kennedy in the crowded pantry of the Ambassador Hotel in Los Angeles.

Shortly before the crime, a teletype operator at the Ambassador noted 2025 RELEASE UNDER E.O. 14176

Was Sirhan a computerized assassin? In this preview of a book Sirhan tried to stop, the reporter who knew him best offers a chilling theory.

By Robert Blair Kaiser



In court, on trial for his life, Sirhan Bishara Sirhan said he first made up his mind to kill Robert F. Kennedy when he saw a film biography of Senator Kennedy that was shown for the first time in Los Angeles on May 20, 1968. No one then asked Sirhan how it happened that he scribbled "R.F.K. must die" in his diary two days before that—on May 18. Sirhan's lawyers and the prosecuting attorneys apparently decided to accept the assassin's story that he was an "Arab hero" who had acted alone to kill Robert Kennedy because Kennedy favored selling U.S. jet fighters to Israel.

For two years now we have accepted the official verdict that there was no conspiracy to assassinate Bob Kennedy. I disagree. I did not believe Sirhan's story then—and I still don't.

When I think of Sirhan Sirhan, I think of a blank slate upon which ideas could be imposed with ease—or, better, a piece of videotape on which certain images could be electronically imprinted and sounds electronically etched. He was erasable and replayable. Through long

WAS SIRHAN PROGRAMMED?

continued from page 66

that suggestion. Nor did I. It was a far-fetched theory, fetched in fact from Richard Condon's novel, *The Manchurian Candidate*. There, Raymond Shaw, the anti-hero who had been brainwashed in North Korea, was triggered by the phrase, "Why don't you pass the time by playing a little solitaire?" to riffle through a deck of play-

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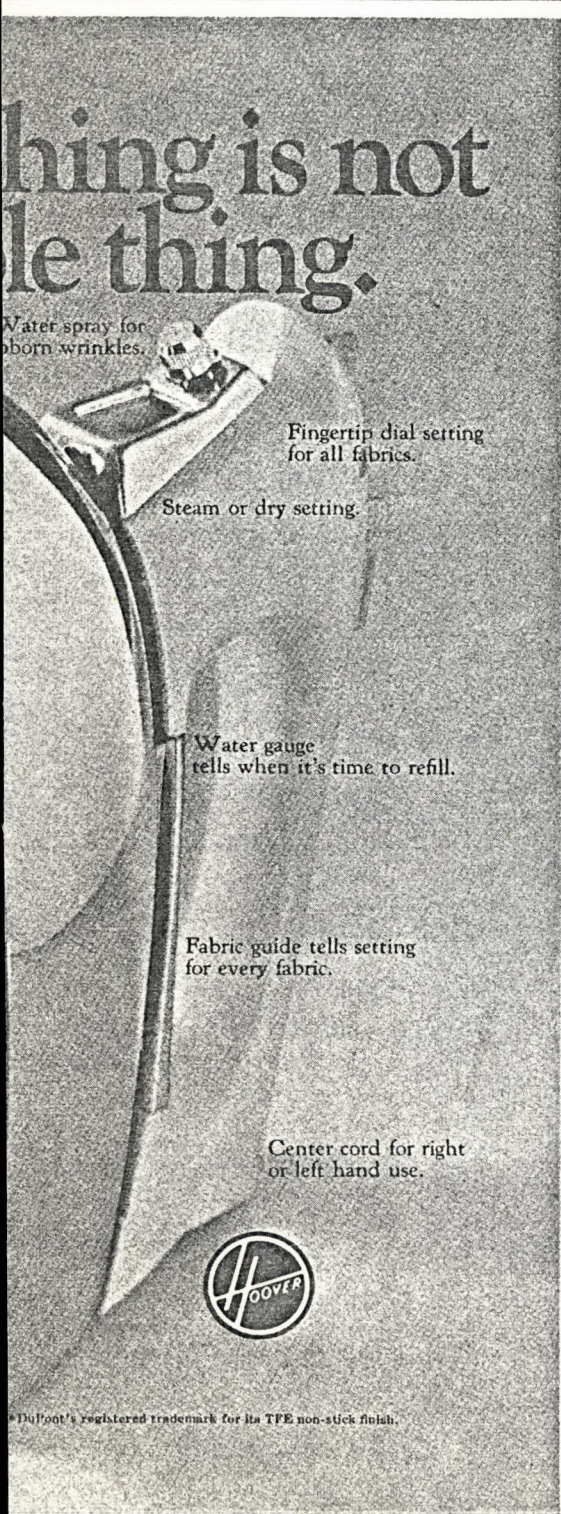
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BAY AREA NEWS

News Of The Entire Bay Area

3 Assassinations

Looking Back To Gloomy Days

By LYNDA HAYES
Evening Outlook Staff Writer

Psychologists say people tend to suppress bad memories and relive only the good ones. But nearly 100 people relive terrifying memories every Wednesday at Santa Monica College.

Bleak thoughts of Nov. 22, 1963; April 4, 1968; and June 5, 1968, are vivid there, as the Experimental College conducts its class on Political Assassination.

Working with films, tapes and speakers, the class is designed to sift through incongruities of the three assassinations.

The first two sessions dealt with the death of John Kennedy, including a screening of the famed Zapruder films—detailing the movement of JFK at the moment of impact.

The Zapruder films were the basis of much of the skepticism aimed at the Warren Commission Report. Other doubt was voiced by Mark Lane, Penn Jones, Mort Sahl, Harold Weisberg and New Orleans District Attorney James Garrison who announced, "I have solved the murder of John Kennedy."

Conspiracy Theory Told

Garrison never named the actual murderer, but all of the theories that began to emerge centered around a conspiracy, with Lee Harvey Oswald either absent from the picture entirely or acting as a puppet for the conspirators.

Some theories have even linked all three assassinations to the same unnamed conspirators.

The theories sprang from what appeared to be inconsistencies and contradictions within the Commission Report. To some, this indicated a commission that wanted a quick answer. To others, it indicated a deliberate whitewash.

These inconsistencies included pictures of Oswald holding the murder weapon in a position critics call "anatomically impossible;" the discrepancy between the report's conclusions on the direction of the death bullets and what the Zapruder films appear to show; and many others.

Seven years later, the Warren Commission Report maintains the sole murderer to be Lee Harvey Oswald. Critics still disagree, but, for the most part, the public no longer cares.

And it is this indifference that helped spur the birth of the Political Assassination class.

'Shift In Conscience'

"There has been a great shift in national political conscience from the early 1960s to now," explains Rusty Rhodes, SMC student and class instructor. "Those early years were concerned to a great extent with this nation's military and criminal investigation organizations like the FBI and CIA. It even showed in our taste for movies — 'Seven Days In May' and 'Dr. Strangelove.'"

"But we've moved away from that now, and I hope this class will familiarize the public again with what we are actually doing in America. Students will hopefully

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H. O. Richards

Assassination Studied

Continued From Page 13

gain a political maturity and be able to see that the Warren Report is a whitewash by the CIA, the FBI and, of course, the officials involved."

Rhodes, who believes both the CIA and FBI were deeply implicated in President Kennedy's assassination, says America is the only nation that accepts the findings of the report. "This is wrong," Rhodes said: "People should not go on believing that Oswald is the lone assassin."

Who, then, is implicated in the conspiracy theory?

"I will not make any direct accusations, because no single organization was responsible for the assassination on the whole," Rhodes said. "But the Secret Service and other agencies of the government—the CIA in part, the FBI—fell flat on their faces that day in protecting the president. They did not do their job."

Oswald And The CIA?

"I believe that Lee Harvey Oswald was an agent of the CIA successfully establishing a left-wing cover for himself. He was not a direct part of the assassination and he did not pull the trigger. But in taking orders, he placed himself in the position of a patsy. He placed himself in the position of the obvious suspect."

According to Rhodes, still another factor emerges from the conspiracy theory, this one involving a feud between JFK and major Texas oil interests.

"Texas oil interests despised Kennedy—the feud centering, of course, around the oil depletion tax—and they would have wanted the man out of the presidency, too," Rhodes claims.

It is these forces—military and criminal investigation units as well as big business—that Rhodes claims were at work when bullets gunned down Sen. Robert Kennedy in the Ambassador Hotel.

"RFK knew the truth about his brother's death," Rhodes said, "and he also knew that it would take the full powers of the presidency or an act of Congress to bring it out in the open. That's one of the things he was working for."

One of the more startling—if seemingly unlikely—theories to be brought out in a future session of the class takes the death bullet out of Sirhan Sirhan's weapon and places it in the hand of a mysterious man named Caesar.

According to Rhodes, "Caesar" was appointed bodyguard to RFK by the Ambassador—yet the man was allegedly a member of the Klu Klux Klan, the John Birch Society, and a solid opponent of RFK.

Going on information he claims was gathered from the reports of county coroner Thomas Noguchi, Rhodes maintains that the fatal bullet came from a gun Caesar drew as Sirhan began his first wild shots.

The only assassination Rhodes hesitates to talk about is that of Dr. Martin Luther King, although that will also meet with discussion as the class progresses.

And so the class continues, exploring assassination. Some will go away when the semester ends, convinced that the Kennedy assassinations have not been solved. Some will believe the findings of the Warren Commission. Other will not really care.

But none will forget the films, the tapes, and the speeches of late November 1963—and the others that followed.

(Mount Clipping in Space Below)

High Court Asked to Hear Sirhan on Death Penalty

WASHINGTON (UPI) — The Stanford University Law Review, The study showed among other things that California juries are more generous with white-collar defendants than those in lower economic brackets.

Luke McKissack of Hollywood, Calif., asked permission to file a brief in the test case from that state to be argued orally before the court Monday. The justices are being urged to set standards to help judges and juries who must decide whether to impose the death penalty.

McKissack relied heavily on a recent study by members of the Court.

view. The study showed among other things that California juries are more generous with white-collar defendants than those in lower economic brackets.

Of 157 defendants holding blue collar jobs, 57.9 per cent were sentenced to life imprisonment instead of death while of 21 defendants in white collar jobs, 95.2 per cent escaped the death penalty.

Sirhan has been in death row in San Quentin Prison since May, 1969. His case is now before the California Supreme Court.

(Indicate page, name of newspaper, city and state.)

A-9 Herald Examiner
Los Angeles, Calif.

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Sirhan's Attorneys Appeal Death Decree

Attorneys for Sirhan Bishara Sirhan have appealed his death sentence for the assassination of Sen. Robert F. Kennedy.

Attorneys raised 18 issues which they claimed were grounds for a reversal of the first degree murder conviction. It was estimated the direct appeal to the State Supreme Court, which is automatic in California for persons condemned to death, would cost about \$50,000 which one of the attorneys said he was financing personally.

Among the major points is the contention that the presiding judge, Superior Court Judge Herbert V. Walker, refused to allow Sirhan to plead guilty in exchange for a life sentence, as agreed by the defense and prosecution.

Walker refused to permit the "plea bargaining" because he said he wanted to prevent the possibility of lingering speculation over the case as occurred after the assassination of President John F. Kennedy.

Sirhan's attorneys claim his rights also were abridged when police officers entered the bedroom of his family's Pasadena home without his permission and seized notebooks in which he wrote, "RFK must die."

The lawyers contend there was "illegal search and seizure" because the officers did not have the authorization of the defendant to make the search.

It also was argued Sirhan's rights were denied when he was not given a preliminary hearing, but was indicted by a grand jury.

The brief of 704 pages filed yesterday with the California Supreme Court lists Sirhan's lawyers as Luke McKissack and George Shibley, with Russell Parsons, Grant Cooper, Martha Goldin and Abdeen Jabara serving "of counsel."

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Los Angeles, Calif.

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Wrong Gun in Kennedy Slaying?

Three top Los Angeles police officials will meet Tuesday to begin a probe of charges that police ballistics expert Wayne A. Wolfer erred in testimony concerning the weapon used in the assassination of Sen. Robert F. Kennedy.

The panel, chaired by Asst. Chief Jack Collins and consisting of Dep. Chief John McAllister and Cmdr. George Beck, will meet at Parker Center at 9 a.m., at the direction of Police Chief Edward M. Davis.

Barbara Warner Blehr, Los Angeles civil and criminal attorney, Friday submitted affidavits and a letter challenging testimony given by Wayne A. Wolfer in the Sirhan Bishara Sirhan and Jack Kirschke murder trials.

Mrs. Blehr, admitting her efforts are aimed at blocking the appointment of Wolfer as head of the Police Scientific Investigation Crime Laboratory, filed the documents with the Los Angeles Civil Service Commission.

They raise the possibility that the weapon in evidence at the Sirhan trial might not have been the one used in Kennedy's slaying.

Pending the outcome of the inquiry by the blue-ribbon panel, Davis said he has instructed Wolfer to make no comment concerning the matter.

Wolfer testified for the prosecution in the trials in which Sirhan was convicted of the 1968 assassination of Kennedy, a presidential candidate, and Kirschke, a former deputy district attorney.

Kirschke was found guilty of killing his wife and her lover, and was given a life sentence. Sirhan is on San Quentin's "Death Row." Both are appealing their cases.

As the cases are awaiting appeal, Davis said he urged the board of inquiry to have Attorney General, District Attorney and City Attorney representatives at the hearing.

Mrs. Blehr told The Herald-Examiner she is questioning Wolfer's testimony only because she is interested in seeing that the Police Department has "the best there is" in scientific personnel.

She added she does not believe Wolfer is qualified for the top post, on the basis of declarations made by other criminal investigation authorities.

The documents she submitted were signed by Raymond H. Pinker, retired chief forensic chemist and pioneer of the LAPD Crime Laboratory; Walter Jack Cadman, Orange County Sheriff's chief criminologist, and Dr. LeMoyne Snyder, author and authority in legal medicine and homicide investigation.

The experts listed six precepts considered inviolable in firearms identification. Mrs. Blehr, in her letter to the commission, said Wolfer violated those precepts in his expert

testimony, and thereby erred in his identification of murder weapons.

In the Sirhan case—referred to in the letter only by its court number—Mrs. Blehr said Wolfer violated four precepts when he testified the defendant's gun and no other was involved in the shooting of Kennedy and two other victims.

"The physical evidence, however, upon which his testimony was based, established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a serial number H18602," she wrote.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," she added. "Such a conclusion then leads unavoidably to the question: which of the two guns fired the single fatal bullet?"

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Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH
Times Staff Writer

Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wol-

fer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles I've done nothing wrong and I'll stand behind my work in a court of law. I can't say any more until I've read the charges against me, but I'm going to get an attorney right away."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal-

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Los Angeles Times
Los Angeles, Calif.

PAGE 1
Part II

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Bo Richards! conf

SIRHAN CASE

Continued from First Page

listics investigation before making any comment.

Police Chief Edward M. Davis defended Wolfer in a prepared statement: "He never takes sides on any issue, even when the accused are police officers. He is cautious, conservative, straightforward and a very thorough scientist."

Davis said that he has appointed a board of inquiry to investigate the Beehr charges. The board, consisting of Asst. Chief Jack Collins, Dep. Chief John McAllister and Cmdr. George Beck, will convene next week.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 55 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725.

The test shots were made on June 6, 1968, and a third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at

the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's charges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation — of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."

(Mount Clipping in Space Below)

Sirhan Gun: Not Death Weapon?

Expert Is Challenged

Affidavits and a letter challenging expert gun identification testimony in the Sirhan Bishara Sirhan and Jack Kirschke murder trials have been filed with the Los Angeles Civil Service Commission.

The documents raised a possibility that the weapon in evidence at the Sirhan trial might not have been the one used in the slaying of Sen. Robert F. Kennedy.

Barbara Warner Blehr, Los Angeles civil and criminal attorney, submitted the material yesterday in an admitted effort to block the appointment of DeWayne A. Wolfer as head of the Police Scientific Investigation Crime Laboratory.

Police Chief Edward M. Davis immediately appointed a board of inquiry to investigate charges made by Mrs. Blehr, as early as possible next week.

Davis also said he has instructed Wolfer to make no comment pending the outcome of the inquiry.

Wolfer testified for the prosecution in the trials in which Sirhan was convicted of the 1968 assassination of Kennedy, a presidential candidate, and Kirschke, a former deputy district attorney, found guilty of killing his wife and her lover. Sirhan is on San Quentin's "Death Row." Both are appealing their cases.

As the cases are awaiting appeal, Davis said he urged the board of inquiry—Asst. Chief Jack Collins, Dep. Chief John McAnister and Cmdr. George

Beck—to have Attorney General, District Attorney and City Attorney representatives at the hearing.

Mrs. Blehr told The Herald-Examiner she is questioning Wolfer's testimony only because she is interested in seeing that the Police Department has "the best there is" in scientific personnel.

She added she does not believe Wolfer is qualified for the top post, on the basis of declarations made by other criminal investigation authorities.

The documents she submitted were signed by Raymond H. Pinker, retired chief forensic chemist and pioneer of the LAPD Crime Laboratory; Walter Jack Cadman, Orange County Sheriff's chief criminologist, and Dr. LeMoyné Snyder, author and authority in legal medicine and homicide investigation.

The experts listed six precepts considered inviolable in firearms identification. Mrs. Blehr, in her letter to the commission, said Wolfer violated those precepts in his expert testimony, and thereby erred in his identification of murder weapons.

In the Sirhan case—referred to in the letter only by its court number—Mrs. Blehr said Wolfer violated four precepts when he testified the defendant's gun and no other was involved in the shooting of Kennedy and two other victims.

"The physical evidence, however, upon which his testimony was based, established that the three above mentioned evidence

bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a serial number H18602," she wrote.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," she added. "Such a conclusion then leads unavoidably to the question: which of the two guns fired the single fatal bullet?"

But the second similar gun was reportedly destroyed by the Los Angeles Police Department in July, 1968, a month after the assassination, she said.

In the Kirschke case, Mrs. Blehr said, Wolfer violated a precept by matching a single land impression on the test bullet with two different land impressions on a fatal bullet, thus invalidating identification of the defendant's gun.

She also made similar charges relating to a murder trial referred to only as "SC number A234557, Terry."

Wolfer was described by Chief Davis as "a cautious, conservative, straightforward and thorough scientist," and as a "distinguished expert."

Davis said Wolfer has been acting head of the crime lab, and had been recommended by the chief for a permanent appointment effective July 1.

(Indicate page, name of newspaper, city and state.)

A-1 Herald-Examiner
Los Angeles, Calif.

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R. O. Richards



DeWAYNE WOLFER
Expertise challenged

(Mount Clipping in Space Below)

Constant Threat of Death Affects Kennedy's Life, Family, Career

By Ken W. Clawson
Washington Post Staff Writer

Each weekday afternoon, Sen. Edward M. Kennedy makes an important telephone call to his home in suburban McLean, Virginia.

He talks to his son, Teddy Jr., about school and other things of interest to a nine-year-old boy.

Kennedy is unusually close to his elder son, but the daily telephone calls have another purpose:

Young Teddy Kennedy does not believe that his father, the last of the Kennedy brothers, will make it back home once he leaves the residence each day.

The daily telephone call is to reassure Teddy; Kara Anne, 10; Patrick Joseph, 3, and the senator's wife Joan. It is not an easy task for a man who also believes that he is stalked by death.

Seven years after President John F. Kennedy was assassinated in Dallas and nearly three years after Sen. Robert F. Kennedy was murdered in Los Angeles, Sen. Edward M. Kennedy is warned frequently and in a variety of ways that the may be next to die.

The constant fear that "somebody out there" may be gunning for the senator is a major factor among those close to Kennedy in any discussion of his political future, although Kennedy is determined that he will not be paralyzed by the possibility of assassination.

Next to the President and Vice President, Kennedy receives more threats than anyone in government.

It is also fair to say that he receives more attention from the Secret Service, Federal Bureau of Investigation, Capital police, Metropolitan police and Fairfax County police than any other public official outside the White House.

Sen. Kennedy does not have Secret Service protection. By law, he cannot. But the Secret Service does investigate threats to public officials for intelligence purposes on the basis that such persons are potential threats to the President and Vice President.

A review of Secret Service intelligence contacts with U.S. senators since 1964 reveals that Kennedy has received more than three times as many threats as any other senator.

355 Contacts

Kennedy was elected a senator from Massachusetts in 1962. From 1964 to the present, Secret Service was involved in 355 matters arising out of Kennedy threats.

Threats aren't the exclusive property of any single ideology. Former Senate dove Eugene McCarthy had 99 Secret Service contacts—next highest to Kennedy—while hawk Barry Goldwater (R-Ariz.) had 94.

Secret Service had 40 contacts with Sen. J. W. Fulbright (D-Ark.), chairman of the Senate Foreign Relations Committee and leading critic of U.S. involvement in Indochina.

Sen. Birch Bayh (D-Ind.) received 12 threats considered serious enough for Secret Service involvement. Most came during Senate debate over the nominations of Clement F. Haynsworth Jr. and G. 2025 RELEASE UNDER E.O. 14176 to the Supreme Court.

(Indicate page, name of newspaper, city and state.)

A-1 Washington Post

Date: 2/7/71

Edition:

Author:

Editor:

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Submitting Office: Los Angeles

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Other senators and the number of Secret Service contacts during the period included Sen. George McGovern (D-S.D.), 17; Sen. Edmund S. Muskie (D-Maine), 25; Sen. Philip Hart (D-Mich.), 15; Senate Minority Leader Hugh Scott (R-Pa.), 14; Senate Majority Leader Mike Mansfield (D-Mont.), 9, and Sen. Strom Thurmond (R-S.C.), 8.

The FBI, which has primary jurisdiction in these cases under the federal extortion statute, does not disclose its investigation statistics. However, it is believed their experience is similar to the Secret Service's. Much information is shared between the two federal agencies and local police.

Also on Upswing

Chairman Tom Steed (D-Okla.), chairman of the House Appropriations subcommittee that handles the Secret Service budget, said that threats against the President and Vice President are also on the upswing, a condition that he characterized as a "sickness that won't go away."

Steed said he favors further expansion of Secret Service authority to include—at the discretion of the President—temporary protection of senators and congressmen when they are confronted with what appears to be a bonafide threat. No such legislation has been offered, however.

Current presidential threats are secret, but in testimony before Steed's subcommittee in 1970, Secret Service Chief James Rowley said that threats or obscene mail to the President and Vice President total about 15 a month.

Rowley added, however, that Secret Service examines about 500 packages, gifts and letters to the White House each week.

It was learned that from 1964 until he lost the presidential election to Mr. Nixon in 1968, Sen. Hubert Humphrey (D-Minn.) had a total of 1,355 Secret Service contacts arising out of threats. During most of this period, Humphrey was Vice President.

Rowley also disclosed at his appropriations hearing last year that President Nixon ordered Secret Service protection for Humphrey for six months after the 1968 election.

In Kennedy's case, the senator does not see the hate mail, which goes into a file cabinet in his outer office. His staff says the ebb and flow largely depends on events that propel Kennedy into the headlines.

Peaks came in 1964 when he almost died in a plane crash; in 1965 when he tried—and failed—to make Francis X. Morrissey a federal judge; in 1968 following the June murder of his brother Robert in California, and twice during 1969.

Early in that year, hate mail followed his defeat of Sen. Russell Long (D-La.) for the post of Democratic whip, which he has since lost.

Hate Mail Enormous

Then in July, 1969, he drove off the bridge at Chappaquiddick Island, Mass., and a secretary, Mary Jo Kopechne, was drowned. The volume of hate mail was enormous.

At least 100 times a year, the mail includes a threat of death, kidnap or injury to Kennedy or members of his family.

Often, the letters, conclude with what federal law enforcement officials call the "symmetry proposition"—that bad luck comes in threes.

"Your brothers got what they deserved. You're next," some letters say.

It is also estimated that Kennedy's office receives more threatening and obscene telephone calls, and even personal crank visitors than other senators and congressmen.

When Kennedy travels in other states, he takes complex security precautions. These are based on briefings by the Secret Service and FBI and are provided to all public officials who have been seriously threatened.

In Kennedy's case, an advance man contacts local police wherever he travels. He has received substantial protection from local agencies.

Resident FBI agents are also alerted when Kennedy is coming to a city, especially since Jan. 2 when President Nixon signed into law a bill that includes a provision making it a federal crime to assassinate, kidnap or assault an elected or appointed federal official.

The measure itself has several ironic twists. First, it was sponsored by Sen. Robert Byrd (D-W.Va.), who dumped Edward Kennedy as Whip last month. The bill grew out of the assassination of Robert F. Kennedy and the subsequent bizarre trial of Sirhan Sirhan in a California state court.

Finally, it was opposed by Sen. Edward Kennedy because it carries a mandatory death penalty provision.

Kennedy's actions last April when he was invited to the first anniversary observance of the murder of the Rev. Dr. Martin Luther King Jr. in Memphis provide an example of his security procedures.

He did not accept the public invitation. Nor did he accept the recommendation of his staff to pass up the appearance, although he appeared to do so.

Instead, he went on a holiday to Florida. Then, unannounced and unscheduled, he went to Memphis and participated.

He was following a Secret Service axiom that assassinations are not spontaneous but are planned. That is why a recent ice skating afternoon on the C&O Canal with his family was really of minimum risk although it seemed dangerous.

Kennedy refuses to talk publicly about the anguish that results from his unique situation, although he acknowledges that it encircles his life.

Helps Ease Strain

At his Senate office a grim humor has evolved that would be offensive to an outsider but helps ease the strain for those who must live with the possibility of a murder attempt on the last Kennedy brother.

Kennedy engages in this banter himself, but only with those very close to him—David Burke, Dick Drayne, Andy Vitale, his cousin Joe Gargan, a few others.

There are other outward manifestations: The quorum buzzer sounds. It doesn't sound at all like a pistol shot, but it is loud and sudden.

Kennedy jumps tense; then he relaxes, smiles.

He is particularly sensitive to the effect of his unique position upon his children.

When President Johnson assigned him Secret Service bodyguards in June, 1968, because he feared a plot to wipe out the Kennedys, the senator sent them away after two days because he didn't want his children to see them.

But the family cannot be shielded from grim reminders. Twice each year all the Kennedys — including cousins without fathers — gather for memorial services for the slain brothers at Arlington National Cemetery.

Crank Mail Is Rampant

Few persons have ever been neutral about any of the Kennedys. All of them were subjected to more than their share of hate and crank mail. They also have received much adulation mail, too, and that remains true with Sen. Edward M. Kennedy (D-Mass.).

Persons familiar with mail received by President John F. Kennedy say that his First Lady, Jacqueline, was bombarded with sexually oriented, often pornographic mail.

It is estimated that Martha Mitchell, wife of Attorney General John N. Mitchell, now receives the most crank mail of any woman in Washington.

Much is fan mail, but some equals the worst of the antiKennedys. During the Christmas holidays, Mrs. Mitchell received a cake box containing a decomposed rat surrounded by holly.

The Attorney General also receives threats, but he has an FBI agent as a bodyguard.



EDWARD M. KENNEDY

... most threatened senator

(Mount Clipping in Space Below)

CRIMINAL LAW HIGHLIGHTS

By Alan Saltzman

Los Angeles
Criminal Defense Attorney



(Indicate page, name of newspaper, city and state.)

Pg 4 -
Los Angeles Daily
Journal (Legal)
— Los Angeles, Calif.

Date: April 13, 1971
Edition:
Author: Alan Saltzman
Editor:
Title: Criminal Law
Highlights

Character:
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Bo Rukund...

A MASTERPIECE IN APPELLATE ADVOCACY THE SIRHAN BRIEF REVIEW

We have just burrowed through the opening brief in the case of *People v. Sirhan*. It consists of four large volumes encompassing in excess of seven hundred pages and eighteen separate contentions. We are impressed by the imaginative and comprehensive presentation offered by Los Angeles criminal attorney Luke McKissack, the author of the brief. He has wrestled vigorously with many provocative legal problems of our time.

PUBLICITY PROBLEMS:

Initially, a compelling argument is presented that a mistrial should have been granted due to exposure of the trial jurors to a deluge of publicity stating that Sirhan wanted to plead guilty to first degree murder. Although most jurors claimed they could remove this knowledge from their minds, court decisions examined hold to the contrary.

PLEA BARGAINING:

Issues which might well be controlling on appeal were next raised. They deal with the failure of the trial judge to accept a negotiated plea to first degree murder with life imprisonment. D.A. Evelle Younger appeared and announced that his office could not "conscientiously" urge the death penalty in view of the psychiatric evidence.

After a discussion, both the prosecution and the defense agreed that a plea to murder in the first degree with a life sentence was the appropriate disposition of the case. The Judge refused, stating on the record his fears that the public might criticize him if he failed to insist on full public trial.

McKissack suggests that even if the Court had the right to disapprove a negotiated plea he had to exercise discretion based on appropriate standards.

Moreover, McKissack argues that the Court's error was compounded when it allowed the District Attorney to introduce Sirhan's exclamation that he "killed Kennedy premeditatively with 20 years malice afterthought" despite the fact that the statement had been elicited by the Court itself while earlier taking his plea of guilty. Penal Code No. 1192.4 forbids introduction into evidence of a guilty plea which has been refused.

D.A.'s ARGUMENT:

McKissack next argued that the prosecution stated on numerous occasions that under no circumstances would it affirmatively ask for the death verdict; yet in his summation the District Attorney presented a feverish argument for the death penalty.

DIMINISHED CAPACITY

Diminished capacity contentions urge the Court, based upon the psychiatric evidence adduced at trial, to reduce the grade of homicide to manslaughter or second degree murder due to the fact that Sirhan had neither the requisite state of mind to premeditate the death of Kennedy nor to harbor malice aforethought.

Furthermore, he urges the Appellate Court in any event to reduce Sirhan's sentence under Penal Code 1181(7). That section has long been available to the Court but has never

before been employed by it to reduce a sentence from death to life.

SEARCH & SEIZURE:

Search and seizure issues are raised relating to evidence taken from Sirhan's bedroom without his consent and in the absence of a search and arrest warrant. Also, there was a search of the garbage area just outside the Sirhan home, a search questionable under the Edwards case.

GRAND JURY:

The brief makes a massive attack upon the Grand Jury system. It is contended that indictment by Grand Jury (rather than a Preliminary Hearing) invidiously discriminates against the subject whose case is taken at the discretion of the District Attorney to the Grand Jury. At the preliminary hearing the defendant has the right to be present, have an attorney, the right to testify in his own defense if he chooses, the right to present and cross-examine witnesses, the right to have a judge rule on the admissibility of evidence. None of these protections are accorded the subject whose case is summoned before the Grand Jury.

McKissack concedes that the U.S. Constitution allows use of a Grand Jury. He argues that once a State has set up a superior proceeding with advanced Constitutional safeguards it may not, without constitutionally permissible standards for differentiation, capriciously take some defendants cases to the Grand Jury while others have the benefit of a preliminary hearing.

CAPITAL PUNISHMENT:

Arguments XIII through XVII cover thoroughly the arguments against Capital Punishment.

Argument XVI contends that since the penalty jury had no standards to guide them in their decision of life or death the decision was essentially lawless and thus violative of Due Process and Equal Protection. This very contention will soon be decided in the McGautha case by the United States Supreme Court. McKissack filed an Amicus Curiae brief in that case in which he argued that empirical evidence tends to show that jurors given no guidelines habitually rely on unconstitutional considerations in reaching death verdicts such as the failure of a defendant to testify or an unsuccessful insanity or diminished capacity defense.

All in all, the brief tackles many of the challenging problems of our day. It constitutes an invaluable aid to defense counsel, and is proof that to be a criminal lawyer is to be a Constitutional lawyer. The shoot-from-the-hip approach, devoid of knowledge of Court decisions and resourceful anticipation of future decisions, no longer suffices to prepare the competent defense counsel to adequately defend his client.

(Mount Clipping in Space Below)

Davis Backs Lab 2nd Sirhan Gun Charge Refuted

Police Chief Edward M. Davis today defended police crime laboratory scientist DeWayne Wolfer against charges he gave incorrect testimony in the Sirhan Bishara Sirhan murder trial.

During a press conference at Parker Center, Davis said charges by attorney Barbara Warner Blehr that Wolfer's testimony was faulty were "groundless" and that he (Davis) was "satisfied the Sirhan trial was handled correctly."

Mrs. Blehr has charged a second gun was involved in the fatal shooting of the late Sen. Robert Kennedy and that Wolfer's testimony about the death gun at the trial of Sirhan was not valid.

"A second gun, similar to the murder weapon, was tested at the scene of the shooting just to determine how far the sound of shots could be heard by witnesses," Davis said.

The second test gun was destroyed by the department a month after the assassination, Davis said.

Mrs. Blehr is attempting to block the appointment of Wolfer as head of the Police Scientific Investigation Crime Laboratory.

Davis said a three-man board of inquiry headed by Asst. Chief Jack Collins, began looking into the charges today will report their findings within 10 days.

At today's press conference, Davis also announced launching of a "Neighborhood Watch" campaign to curb rising burglary rate on a city participation level.

Beginning today, Davis said over 2000 supermarkets in Southern California will package groceries in bags printed with crime prevention tips to homeowners.

"Statewide and across the nation the crime rate is increasing sharply. If burglaries continue at the present rate, they'll double in another five years," Davis said.

Davis said the six-month campaign will be a neighborhood "self help" project with "neighbors looking out for one another."

William Tormey, executive vice president of the Southern California Grocers Assn., said 15 million people in Los Angeles check out through a supermarket stand every three days and the anti-crime messages blanket the area.

Davis left following the press conference to attend an executive committee meeting of the International Assn. of Chiefs of Police in Washington D.C.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
Los Angeles, Calif.

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Editor:

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Submitting Office: Los Angeles

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(Mount Clipping in Space Below)

RFK gun probe

On June 6, 1968 Robert F. Kennedy was shot to death by a party the state subsequently "proved" was Sirhan Sirhan. But last week Los Angeles attorney, Barbara Warner Blehr raised serious questions concerning the gun, which was used to assassinate Kennedy.

In a letter to Mrs. Muriel Morse (Civil Service official), the L.A. Times, Police Chief Ed Davis and U.S. Attorney Robert Meyer, Blehr questioned the competence of resident L.A.P.D. "Ballistics expert" DeWayne A. Wolfer. Wolfer was recently appointed head of the L.A.P.D.'s crime lab, and he is the same man who gave a ballistics report at the Sirhan trial.

The letter says that Wolfer's testimony in the Sirhan case (number two) indicates that bullets removed from Kennedy and two others were fired, not from the defendant's gun, but from another gun with the serial number H18602. The police, at this stage, have promised to investigate, and have indicated that a "clerical" error may have been made but the letter speaks well for itself.

Following are Blehr's letter and related correspondence in the form of affidavits and statements from attorneys representing Sirhan.

Mrs. Murriel M. Morse
General Manager Personnel Dept.
Civil Service Commission
Room 400, City Hall South
Los Angeles, California Re: Appointment of De Wayne A. Wolfer

Dear Mrs. Morse:

A request is hereby made by the undersigned for a hearing before the Civil Service Commission as to the qualifications of the above named person to act as head of the Los Angeles Police Department Scientific Investigation Division Crime Laboratory.

It is my understanding that Mr. Wolfer is now acting head on a temporary basis for said laboratory, and that his appointment is due to become final July 1st. My belief that M. Wolfer is completely unqualified for the position is supported by the following considerations:

(1) There are numerous fundamental precepts upon which the science of firearms identification is based. All criminalists and firearms examiners must abide by the precepts and disciplines of their profession. Six of these precepts, which Mr. Wolfer has violated, are listed below:

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number. (When the evidence gun is not available, a similar gun may be used but the validity of the test is always more questionable).

(Indicate page, name of newspaper, city and state.)

4 Free Press
Los Angeles, Calif.

Date: 6/11/71
Edition: Friday
Author:
Editor: Art Kunkin
Title:

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Submitting Office: Los Angeles
☐ Being Investigated

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Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

Precept (5) CLASS CHARACTERISTICS as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

These precepts are expressions of basic common sense and are universally accepted. They are truisms in the same sense, for example, that the assertion "a single blade of a plow can cut only one furrow as it moves over the ground" is a truism. The violations of the above precepts by Mr. Wolfer will be pointed out briefly in two of the three cases abstracted herewith.

(2) Case No. 1. SCNo. A222633) In this case Mr. Wolfer, testified he had made a positive identification of the defendant's gun as the murder weapon. In making this identification Mr. Wolfer produced in evidence enlargements of ballistic comparison photomicrographs to support his testimony. A very thorough study of these photographs and the evidence bullets disclosed, however, that M. Wolfer had matched a single land impression on the test bullet with TWO different land impressions 120 degrees apart on the fatal bullet. This amounts to saying that a single blade of a plow cuts TWO furrows in the ground over which it moves — an obvious impossibility. His procedure and testimony are thus a clear-cut violation of Precept (6) and completely invalidates the identification of the defendant's gun as the murder weapon.

Mr. Wolfer also violated Precept (5) by indicating certain Class Characteristics as part of the proof of "matching" between test and fatal bullets.

His testimony combined with his very esoteric photographic manipulations label his work in this instance nothing but perjury.

Exhibits substantiating these statements are in my possession.

(3) Case No. 2. (SC No. A233421) In this case Mr. Wolfer violated Precepts (1), (2), (3) and (4). He testified that the defendant's gun (Serial No. H53725) and no other was the single murder weapon which had fired three bullets into the bodies of three of the victims. The physical evidence, however, upon which his testimony was based established that the three above mentioned evidence bullets removed from victims were fired, not from the defendant's gun but in fact from a second similar gun with a Serial No. H18602. The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime. Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet? The presence of the second gun is firmly established in Exhibits A and B attached hereto which are photographs of Court Exhibit 55. This court exhibit is an envelope containing the test bullets which Mr. Wolfer matched with the three evidence bullets mentioned previously. The inscription on the envelope shows that the enclosed test bullets were fired from gun No. H18602 and not from the defendant's gun No. H53725. This is a violation of Precept (1).

Although the inscription on this envelope shows that gun No. H18602 was physical evidence in this case on June 6, 1968, the gun was reportedly destroyed by the Los Angeles Police Department roughly one month later in July, 1968. This is shown in the teletype report of Exhibit C attached.

Substantiating details of the other violations by Mr. Wolfer can be made available.

I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other.

(4) Case No. 3. (SC No. A234557) While Mr. Wolfer did not violate any of the above cited Precepts, his handling of the physical evidence amounted to scurrilous tampering. In a vain attempt to make the physical evidence support the prosecution's theory of the murder, he made physical alterations of certain inscriptions on three rifle cartridge cases which were items of prosecution evidence. Please see Exhibits D, E and F, attached here with. These photographs, show that a total of 15 characters have been altered on the three cartridge cases. Some of these alterations were made during the course of the trial. Mr. Wolfer admitted that he had made alterations on one of the cartridge cases but denied making many other alterations.

The undersigned has in her possession the documentary evidence to support the above. In addition, attached ~~hereto~~ three affidavits of criminalists supporting the fundamental precepts as set forth in the above.

Very truly yours,
Barbara Warner Blehr

BWB:sl

cc:

Edward Davis, Chief of Police, Los Angeles
Los Angeles Times

Robert L. Meyer, United States Attorney

DECLARATION

My name is Raymond H. Pinker and I reside at 4645 San Andreas Avenue, Los Angeles, California. During the period of time from 1929 and 1965 I was employed by the Los Angeles Police Department Crime Laboratory as a Criminalist and Chief Forensic Chemist. After my retirement from the Los Angeles Police Department, I was Associate Professor in the Department of Police Science and Administration at Los Angeles State College. I was also head of the Master of Science program in criminalistics at Los Angeles State College until 1969. I am now retired.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

My Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable).

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

My Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

My Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examinations of traces of the copper coating attached to the fragment, cannot be made.

Precept (5) Class Characteristics as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

My Opinion: It is a misrepresentation to claim that one or more Class Characteristics on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

My Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

Raymond H. Pinker

Witness Martha G. Dawson
Executed on May 24, 1971
at Los Angeles, California

DECLARATION

My name is LeMoyne Snyder and I reside at 325 Valley View Drive, Paradise, California. I am a doctor of medicine and also a member of the Bar and for many years have been engaged in the field of legal medicine and in particular homicide investigation. Expertise in this field requires a thorough knowledge of the fundamentals of firearms identification and over several decades I have pursued studies in this field. My book *Homicide Investigation* is a standard text in many police academies and it contains a chapter dealing with these fundamentals.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1): The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable.)

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

Opinion: A bullet or bullet fragment cannot be identified as having been fired from a particular make of gun on the basis of land and groove dimensions alone.

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Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examination of traces of the copper coating attached to the fragment, cannot be made.

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Opinion: It is a misrepresentation to claim that one or more Class Characteristics on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

LeMoyne Snyder
Executed on May 19th, 1971
at Paradise, California

Witness: Virginia G. Rundle

DECLARATION

My name is Walter Jack Cadman and I reside at 1209 W. Jacaranda Place, Fullerton, California. I am a graduate of the University of California at Berkeley holding a Bachelor of Arts degree with a major in Technical Criminology. I have a California special Teaching Credential to teach Police Science courses. From September, 1948 to date I have been employed by the Orange County Sheriff's Department Criminalistics Laboratory and as Chief Criminalist I have occasion to verify the firearms identification work and am trained and experienced in the procedures and methods of firearms identification. I

have presented approximately 24 scientific papers to criminological societies, law enforcement groups and chemical societies extending over a twelve year period. These papers deal with various technical problems in the general field of criminalistics. I am a member of the following professional affiliations:

Fellow and past Chairman of the Criminalistics Section of the American Academy of Forensic Sciences.

Southern California Section of the Society for Applied Spectroscopy.

American Chemical Society.

California Association of Criminalists.

American Association for the Advancement of Science.

National Association of Police Laboratories.

Any expert testimony which I might give in a case involving firearms identification would be based, at least in part, on the following six Precepts which I consider inviolable.

Precept (1) The positive identification of an evidence bullet as having been fired from a particular gun and no other must be based on a comparison of the evidence bullet with a test bullet recovered from the same evidence gun and no other.

My Opinion: No identification can be made if the test bullet is recovered from some gun other than the evidence gun, even though the test gun may be of the same make and model and have a serial number very close to the serial number of the evidence gun. Such a procedure is a violation of Precept (1).

Precept (2) The most accurate and reliable determination of the approximate distance between muzzle and victim (excluding contact) based on powder pattern distribution must be made with the actual evidence gun and no other. It is also important to use the same make and type of ammunition, preferably from the same batch or lot number.

My Opinion: The use of a gun other than the evidence gun, even though it may be the same make and model with a serial number very close to the serial number of the evidence gun is a violation of Precept (2).

(When the evidence gun is not available, a similar gun may be used but the validity of the test is always questionable.)

Precept (3) The land and groove dimensions (part of the rifling specifications) may be identical or nearly identical between different firearms manufacturers.

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Precept (4) Very similar copper coatings are used on many different makes of lead revolver bullets.

My Opinion: The positive identification of the make of ammunition from a badly deformed bullet fragment, based on visual, microscopic or photographic examinations of traces of the copper coating attached to the fragment, cannot be made.

Precept (5) **Class Characteristics** as shown by the rifling impressions on a fired bullet play absolutely no role in the identification of such a bullet as having been fired from one particular gun out of the entire world population of guns having the same class characteristics.

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My Opinion: It is a misrepresentation to claim that one or more **Class Characteristics** on a fired bullet contribute in any degree to identifying the bullet as having been fired from any particular gun and no other.

Precept (6) A single land of the rifling of a firearm can produce only one land impression on a fired bullet.

My Opinion: An alleged positive identification of an evidence bullet in which it is shown that a single rifling land produced two different land impressions on the same evidence bullet is a violation of Precept (6). The alleged positive identification is therefore not valid.

I declare under penalty of perjury that the foregoing is true and correct.

W.J. Cadman

Executed on May 25, 1971

at Fullerton, California

Witness: (signature illegible)

June 3, 1971

Chief of Police Edward Davis
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, California 90012

Dear Sir:

I have been informed that you have appointed certain police personnel to undertake an examination of the Sirhan case, with a view to explaining manifest contradictions in the testimony and laboratory tests of Los Angeles Police Department forensic ballistics expert, DeWayne A. Wolfer.

The evidence is clear, both from the letter to you by Mrs. Blehr and the trial record, that Wolfer testified that the three test bullets fired by him and contained in People's Exhibit 55 matched the bullets recovered from the sixth cervical vertebra of Senator Kennedy, and the bodies of Mr. Goldstein and Mr. Weisel, and that none of those bullets were fired from Sirhan's gun. In view of the extensive fragmentation of the bullet in Senator Kennedy's head, the obvious question which lingers is who killed Senator Kennedy? As his counsel we are quite concerned that any probe be conducted in a spirit of complete impartiality. The suggestion that the second gun was utilized by Wolfer to test the noise level is belied by not only Exhibit 55 but the testimony of Wolfer itself. Moreover, although it appears that the gun which fired the three aforementioned bullets into Senator Kennedy, Mr. Weisel and Mr. Goldstein was destroyed in July, 1968, a month after the shooting, Wolfer claimed in the spring of 1969, during his trial testimony, that the gun was "still available." (Reporter's Transcript 4224)

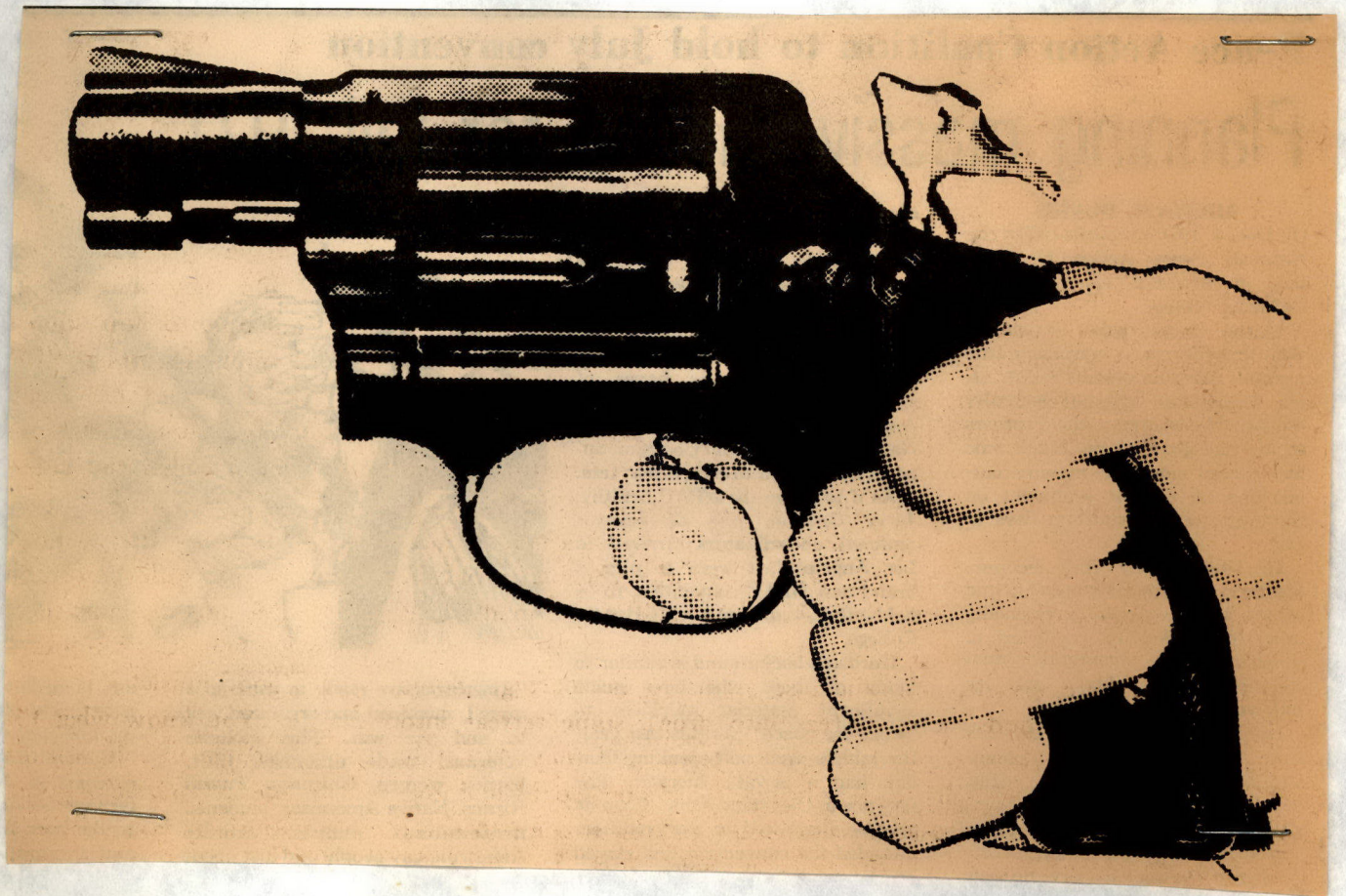
Inasmuch as a man's life is at stake and we are attorneys of record for that man now condemned to death row, it seems mysterious that neither of us has been contacted so that any further "investigation" can truly be bipartisan. Any probe of a police officer's ballistics examination and courtroom testimony conducted only by a group of his superiors in the police department, headed off by your express disclaimer, can only be regarded by unfettered minds as a "whitewash."

There is much about the cause of death of Senator Kennedy which has yet to be unravelled. Simultaneous with the prosecution of the appeal, we have arranged for Mr. William Harper, a competent and experienced criminalist, to delve into some of the enigmas either unsolved or pointing to the conclusion that Sirhan Sirhan did not fire the fatal bullet. If truth be our quest, then let us join hands in an endeavor to ascertain it.

We are ready and willing to participate in an evenhanded, impartial inquiry with justice as the only objective. If there is nothing to hide, then a simple letter or phone call will summon our participation and our support.

Sincerely yours,
GEORGE E. SHIBLEY,
LUKE McKISSACK,
Attorneys for Sirhan Sirhan

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2025 RELEASE UNDER E.O. 14176

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Lawyer Says Ballistics Expert Erred in Sirhan Investigation

BY DAVE SMITH

Times Staff Writer

Criminalist DeWayne A. Wolfer was accused Friday of making errors and violating procedure in the ballistics investigations of the Sen. Robert F. Kennedy assassination, the Jack Kirschke murder case and the Doyle A. Terry murder case.

The charge was made by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department crime laboratory.

Mrs. Blehr's charges raise the question of whether a second gunman might have fired shots in the Ambassador pantry on June 5, 1968, and then escaped unnoticed as Sirhan Bishara Sirhan was tackled by friends of the mortally wounded senator.

In a four-page letter to the Civil Service Commission, Mrs. Blehr accused Wolfer of violating four separate precepts of investigative procedure in the Kennedy investigation and alleges that Wolfer never actually fired the gun wrested from Sirhan's grip. She asserts that Wol-

fer test-fired a different gun entirely, and that that gun, in fact, did match at least three bullets removed from victims of the affray.

Wolfer, asked by The Times for his reaction, said, "I honestly can't understand this. I'll swear on a stack of Bibles. I've done nothing wrong and I'll stand behind my work in a court of law."

Chief Dep. Dist. Atty. John Howard said his office would review the Sirhan trial transcript and the bal-

Please Turn to Back Page, Col. 1

(Indicate page, name of newspaper, city and state.)

Los Angeles Times
Los Angeles, Calif.

Date: Saturday, May 29, 71

Edition:

Author: Dave Smith

Editor:

Title:

Character:

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Classification: Kensalt

Submitting Office:

Los Angeles

☐ Being Investigated

56-156-895

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SERIALIZED	FILED
JUN 7 1971	
FBI - LOS ANGELES	
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& coordinate this

SIRHAN CASE

Continued from First Page

ballistics investigation before making any comment.

With her letter to the Civil Service Commission, Mrs. Blehr sent six photographs and three affidavits, signed by criminalists LeMoyne Snyder, Raymond H. Pinker and Walter Jack Cadman, supporting her contentions.

Two of the photographs are of exhibit 55 from the Sirhan trial. That is an envelope containing three bullets purportedly fired from Sirhan's gun, but also bearing, in Wolfer's handwriting, the notation that Sirhan's gun bore the serial No. H18602.

Trial records show that the gun taken from Sirhan bore the serial No. H53725.

Gun Destroyed

The test shots were made on June 6, 1968, and a third photograph is of a message from the Bureau of Criminal Identification and Investigation in Sacramento, noting that gun No. H18602—the one identified in testimony as the gun used in the ballistics tests—was destroyed by the LAPD sometime in July, 1968, only a month after the murder of Kennedy.

"The only possible conclusion that must be reached is that two similar guns were being fired at the scene of the crime," Mrs. Blehr said. "Such a conclusion then leads unavoidably to the question: Which of the two guns fired the single fatal bullet?"

The investigation upon which Mrs. Blehr's char-

ges were founded was done by criminalist William W. Harper of Pasadena.

Harper, 69, has testified in numerous trials in Los Angeles over the last three decades, including the Kirschke trial, in which his testimony contradicted that of Wolfer. Harper contended that Kirschke could not have murdered his wife and her lover.

Sentenced to Die

Sirhan and Doyle Terry are now under a sentence of death. Kirschke was, but the sentence later was changed to life in prison. Terry was convicted of the slaying of Long Beach police officer Vernon J. Owings in 1960.

Mrs. Blehr's letter accuses Wolfer in one case—not the Kennedy investigation—of "scurrilous tampering . . . in a vain attempt to make the physical evidence support the prosecution's theory of the murder . . ." charging that he "made physical alterations of certain inscriptions on three rifle cartridge cases . . ."

Regarding the alleged errors in the Kennedy investigation, Mrs. Blehr states: "I find it very hard to believe that a man of the professed expertise of Mr. Wolfer could violate four of the basic precepts of his profession in a single case by sheer accident. I am more inclined to believe that these violations were made in response to an overzealous desire to help the cause of the prosecution. The choice seems to be rank incompetence on the one hand or morbid motivation on the other."

(Mount Clipping in Space Below)

Busch Plans Kennedy Ballistics Test Inquiry

Dist. Atty. Joseph P. Busch Jr. said Friday he and his chief aide would personally investigate charges that a Los Angeles Police Department criminalist violated proper procedures in the ballistics investigation of Robert F. Kennedy's assassination.

At the same time Busch warned those persons making the charges against DeWayne Wolfer, police ballistics expert, to be prepared to substantiate them.

He said he would be assisted by Chief Dep. Dist. Atty. John E. Howard. Howard was a member of the prosecution team in the trial of Sirhan

B. Sirhan, convicted slayer of Kennedy.

The allegations originally were contained in a letter written by attorney Barbara Warner Blehr in an effort to block Wolfer's appointment as permanent head of the police crime laboratory.

Busch explained that he believes an investigation independent of the police is necessary because the charges involve a member of the department.

(Indicate page, name of newspaper, city and state.)

I-21 Los Angeles Times
Los Angeles, Calif.

Date: 6/5/71
Edition: Saturday Final
Author:
Editor:
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Submitting Office: Los Angeles
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JUN 10 1971	
FBI - LOS ANGELES	
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Sirhan Gun Test Results Held Up

Results of a special inquiry into alleged ballistics test irregularities at the Sirhan B. Sirhan trial will not be released until July 6 in order to enable investigators to take a statement from a key principal in the case, Dist. Atty. Joseph P. Busch Jr. announced. Findings originally had been scheduled for release Monday. The charges recently were contained in a letter written by attorney Barbara Warner Blehr in an effort to block the appointment of criminalist DeWayne Wolfer as permanent head of the Los Angeles Police Department crime laboratory. Wolfer was a prosecution witness at Sirhan's trial for the slaying of Sen. Robert F. Kennedy.

(Indicate page, name of newspaper, city and state.)

I-1 Los Angeles Times
Los Angeles, Calif.

Date: 6/25/71
Edition: Friday Final
Author:
Editor:
Title:

Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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SERIALIZED	FILED
JUN 25 1971	
FBI - LOS ANGELES	
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Quiz Key Witness In RFK Gun Row

Dist. Atty. Joseph P. Busch Jr. has delayed results of an investigation into the "second gun" controversy in the assassination of Sen. Robert F. Kennedy so a key witness can be interviewed.

The findings, which were to be released next Monday, will not be announced until July 6, Busch said yesterday.

The investigation was begun after attorney Barbara Warner Blehr charged irregularities in the ballistics results used in the trial of convicted assassin Sirhan B. Sirhan.

She said serial numbers in court files indicated that one pistol was taken from Sirhan when Kennedy was killed, but the bullets test fired from another weapon were identified in court as matching slugs taken

from the slain senator and witnesses who were wounded.

The accusation began a controversy over whether someone other than Sirhan was involved in the assassination at the Ambassador Hotel.

It has been charged that Mrs. Blehr launched the investigation to block the appointment of DeWayne Wolfer, who carried out the ballistics tests and testified at Sirhan's trial, to the post of permanent head of the Los Angeles Police Department's crime laboratory.

Police Chief Edward Davis has defended Wolfer, saying the second gun was used only to determine whether the sound of the shots fired from the type of pistol used by Sirhan was loud enough to reach witnesses who said they heard shooting.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
Los Angeles, Calif.

Date: 6/25/71
Edition: 8 Star
Author:
Editor:
Title:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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FBI - LOS ANGELES	

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Sirhan Innocence Claimed In 'Second Gun' Dispute

Findings in the probe of the "second gun" controversy surrounding the assassination of Sen. Robert F. Kennedy will not be released until July 6.

Dist. Atty. Joseph P. Busch said yesterday that the results of the investigation, which were to be announced Monday, would be delayed so that a key witness could be interviewed.

Meanwhile, a suit filed in Superior Court yesterday charges that convicted assassin Sirhan Bishara Sirhan is "innocent" of Kennedy's murder.

Accused in the suit, filed by attorney Godfrey Isaac on behalf of freelance writer Theodore Charach and all other California residents, are Mayor Sam Yorty, Police Chief Edward J. Davis and other law enforcement officials who, ac-

cording to the suit, suppressed evidence which shows Sirhan not to be the killer of Kennedy in the Ambassador Hotel pantry Feb. 5, 1968.

Busch's investigation was begun after attorney Barbara Warner Blehr charged irregularities in the ballistics results used in the Sirhan trial.

She said serial numbers in court files indicated that one pistol was taken from Sirhan when Kennedy was killed, but the bullets test-fired from another weapon were identified in court as matching slugs taken from the slain senator and witnesses who were wounded.

Mrs. Blehr has been charged with starting the investigation to block the appointment of Dwayne Wolfer, who carried out the ballistics tests and testified

at Sirhan's trial, to the post of permanent head of the Los Angeles Police Department's crime laboratory.

Chief Davis has defended Wolfer, however, saying the second gun was used only to determine whether the sound of the shots fired from the type of pistol used by Sirhan was loud enough to reach witnesses who said they heard shooting.

(Indicate page, name of newspaper, city and state.)

A-7 Herald-Examiner
Los Angeles, Calif.

Date: 6/26/71
Edition: 8 Star
Author:
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Submitting Office: Los Angeles
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Submitted Bureau as to Status

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JUN 28 1971	
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Sirhan's Records Sealed

County Clerk William G. Sharp today sealed all county records dealing with Sirhan B. Sirhan's assassination trial and said he will open documents and exhibits only by order of the Chief Justice of the State Supreme Court.

Sharp acted in the wake of weekend criticism surrounding possible mishandling of exhibits used in the trial of Sirhan, who was convicted of the 1968 slaying of U.S. Sen. Robert F. Kennedy in Los Angeles.

An investigation into the charges is under way by Dist. Atty. Joseph P. Busch Jr.

Sharp said he has found no evidence of "improper handling" and stressed he is cooperating with the district attorney's office in the probe. He noted, however, several members of his office staff have been given lie detector tests.

The county clerk's office is responsible for preserving the "integrity" of all exhibits used in civil and criminal cases in the county.

Stored in the Hall of Records are some exhibits dating to the 1920s, said Sharp, which are kept as long as there is any activity possible in a case.

"The tightest security is always given to cases involving men on death row, such as Sirhan," said Sharp.

In another development, Supervisor Kenneth Hahn, chairman of the County Clerk Department, ordered a full report from Sharp on the controversy as well as a reevaluation of exhibit controls.

Hahn also ordered County Chief Administrative Officer Arthur G. Will to study the possibility of providing extra precautionary equipment to the department to keep accurate records of transcripts and exhibits.

(Indicate page, name of newspaper, city and state.)

A-2 Herald-Examiner
Los Angeles, Calif.

Date: 7/13/71
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Author:
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☐ Being Investigated

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FBI - LOS ANGELES	

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Clerk's Office Hit on Sirhan Case Evidence

BY DOUG SHUIT

Times Staff Writer.

The weekend disclosure that evidence in the Robert F. Kennedy slaying may have been altered led Monday to developments which focused attention on the Los Angeles County Clerk's Office.

The developments were:

—An order to County Clerk William Sharp to inspect his office for possible security breaches, to re-evaluate its control system and to inventory exhibits and transcripts from the Sirhan Bishara Sirhan trial.

—A statement by Sharp that a personal investigation has "failed to disclose any mishandling" of key exhibits, although there are "still some stones unturned."

Polygraph Tests

—The revelation by an aide to Dist. Atty. Joseph P. Busch Jr. that "some employes of the clerk's office are being given lie detector tests.

Busch said last week his office was "terribly concerned" over evidence that the fatal bullets and murder weapon in the assassination had been tampered with.

He also said he and his staff are investigating "evidence that exhibits have been directly handled by numerous persons," a violation of a court order sealing them.

The clerk's office was charged with maintaining the integrity of evidence

in the Sirhan trial pending an appeal.

The order to Sharp came from Supervisor Kenneth Hahn, who oversees the operation of the County Clerks Office.

Hahn also directed the county's chief administrative officer, Arthur G. Will, to determine if the clerk's office needs additional precautionary equipment.

Busch's aide, in revealing that some employes of Sharp were being asked to take polygraph examinations, declined to identify the employes or specify the number.

In his disclosure last week, the district attorney did not say whether he considered the possible tampering intentional or unintentional.

However, he stressed it complicates an earlier investigation into claims that ballistics work in the Kennedy case was improper and that a second gun may have been fired in the rear pantry of the Ambassador where the late President's brother was mortally wounded June 5, 1968.

Extensive tampering might make it impossible to either prove or disprove these contentions.

(Indicate page, name of newspaper, city and state.)

II-3 Los Angeles Times
Los Angeles, Calif.

Date: 7/13/71
Edition: Tuesday Final
Author:
Editor:
Title:

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Classification:
Submitting Office: Los Angeles
☐ Being Investigated

56-1861-901

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SERIALIZED	FILED
JUL 13 1971	
FBI - LOS ANGELES	

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Security of Sirhan Evidence Defended

County Clerk Says He Has Discovered No Tampering

BY DAVE SMITH

Times Staff Writer

No evidence of tampering has been found nor have unauthorized persons been permitted to handle key exhibits from the Sirhan Bishara Sirhan murder trial, Los Angeles County Clerk William G. Sharp asserted Tuesday.

Sharp made his conclusions after reviewing strict security measures he said were employed to protect trial material in custody of his office. In a letter to the Board of Supervisors, Sharp offered his "complete cooperation" with the district attorney's office in a probe of possibilities that evidence in the assassination of Sen. Robert F. Kennedy—including the fatal bullets, murder weapon and the senator's coat—may have been tampered with since Sirhan's conviction.

Sharp conceded that the exhibits have been viewed, but said he has no evidence that anyone but attorneys connected with the case, or their agents, have had the opportunity to handle the key exhibits themselves.

"It's absolutely true the exhibits have been available," Sharp said, "and everybody had a right to see them—the press and everybody else. It's a question whether they had access to certain 'hard' exhibits."

(Indicate page, name of newspaper, city and state.)

**L-3 Los Angeles Times
Los Angeles, Calif.**

Date: 7/14/71
Edition: Wednesday Final
Author:
Editor:
Title:

Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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JUL 14 1971	
FBI - LOS ANGELES	
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After the Sirhan trial concluded, Superior Judge Herbert V. Walker ordered certain key exhibits "sealed" by a court order. But, Sharp said, the court order permitted "counsel of record" and attorneys for both the prosecution and defense, as well as agents for those attorneys, access to the crucial exhibits.

Sharp said a list of persons asking to examine the exhibits has been kept by his office. He estimated that several dozen names were in the records. Among them, he said, were those of Luke McKissack, Sirhan's defense counsel in his automatic appeal before the Supreme Court, and William Harper, criminalist and ballistics expert who has contended that ballistics work in the original investigation was done improperly. Sharp said Harper was granted access as an agent of McKissack.

'Strictest Security'

Sharp told the supervisors:

"At the outset of the case I instructed the criminal division of my office to provide the strictest security to Sirhan exhibits, and I personally inspected the security measures which were instituted.

"Prior to the trial, the exhibits were held in a walk-in vault to which only exhibit clerks had access—and within a safe within that vault to which only the chief, the assistant chief and the supervisor of exhibits had access.

"During the course of the trial the exhibits were transferred to the courtroom where they were given special security by the courtroom clerk. At

the conclusion of the trial the exhibits were transferred back to the vault and placed under special security."

Breach Possible

Sharp admitted that special security could have been breached in the Sirhan evidence, but said he has no knowledge of it. In normal cases, he said, the public is entitled to view evidence in any case where no court order forbids it. But even then the evidence is restricted to an area kept under close surveillance.

Dist. Atty. Joseph P. Busch Jr. revealed over the weekend that his office was "terribly concerned" over evidence that the fatal bullets and the gun in the Kennedy case might have been deliberately or inadvertently tampered with.

This possibility could obscure an earlier investigation into charges that ballistics work in the Sirhan trial violated scientific procedure.

Those charges, based on Harper's private investigation, were lodged by attorney Barbara Warner Blehr in an effort to block the appointment of police criminalist DeWayne Wolfer as head of the Los Angeles Police Department crime lab.

Harper and Mrs. Blehr have questioned whether there might have been a second gunman firing at Kennedy in addition to Sirhan—a question which only ballistics investigation conceivably could support.

Sharp told the supervisors that his office has more than 160,000 criminal exhibits on hand at any given time and takes in about 50,000 each year.

(Mount Clipping in Space Below)

Finding Due in Sirhan Probe

Dist. Atty. Joseph P. Busch Jr. announced Friday that findings of his office in an investigation of alleged ballistics test irregularities in the Sirhan Bishara Sirhan case would be made public June 28.

The probe was prompted by a letter from attorney Barbara Warner Blehr to the City Civil Service Commission in an effort to block the scheduled permanent appointment of DeWayne Wolfer as head of the Police Department Crime Laboratory.

Busch said statements had been taken from 11 persons, including Mrs. Blehr. He also said he would announce whether a new ballistics test would be conducted with Sirhan's weapon.

(Indicate page, name of newspaper, city and state.)

Part II
p.10 Los Angeles Times
Los Angeles, Calif.

Date: 6/19/71
Edition: Saturday Final
Author:
Editor:
Title:

Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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SIRHAN EVIDENCE MISHANDLED: D.A.

Exhibits from the trial of convicted assassin Sirhan Bishara Sirhan "have not been properly protected . . . (and) have been directly handled by numerous persons," Dist. Atty. Joseph P. Busch Jr. said today.

Busch said his findings have sidetracked his initial investigation into charges that ballistics evidence that helped convict Sirhan of the June 5, 1968, assassination of Sen. Robert F. Kennedy resulted from improper procedures.

"We currently are in the midst of an investigation to determine whether there has been any intentional or unintentional tampering with the key exhibits involved in the trial—including the murder weapon and the bullets taken from the body of Sen. Kennedy."

Sirhan currently is a prisoner on San Quentin's death row for the Ambassador Hotel murder that occurred moments after Kennedy had claimed victory in

the 1968 California Democratic presidential preference primary election.

Busch said his initial post-trial investigation stemmed from "certain charges against Los Angeles Police Dept. criminalist DeWayne Wolfer, including the allegation he was guilty of violating proper procedures in the ballistics investigation . . .

"Because the original exhibits were protected by a court order which would prevent their being directly handled," Busch said, "we felt at the outset of the investigation that we could proceed simply by determining the validity of (the) charges against Mr. Wolfer."

"However, we have had to delay our findings after learning that this court order protecting the exhibits has been ignored . . . The exhibits have not been properly protected by the County Clerk's Office."

"Indeed, there is evidence the exhibits have been directly handled by numerous persons."

Although Busch expressed "terrible concern about the possibility that they (exhibits) have been tampered with," he said, "we still are confident at this point that the original investigation was thorough and that the subsequent trail outcome was valid. Our concern now is whether there has been any violation of the integrity of the exhibits."

The district attorney promised "appropriate action and . . . a full report to the public" at the conclusion of the investigation.

(Indicate page, name of newspaper, city and state.)

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Herald-Examiner
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Sirhan Trial Evidence 'Tampering' Suspected

Dist. Atty. Joseph P. Busch Jr.'s office Saturday expressed "grave concern" over possible "tampering" with evidence used to convict Sirhan Bishara Sirhan of the June 5, 1968, murder of Sen. Robert F. Kennedy.

Busch named no names in a statement outlining his investigation "to determine whether there has been any intentional or unintentional tampering with the key exhibits . . . including the murder weapon and bullets taken from the body" of the New York senator.

But Busch said his office learned a court order "protecting the exhibits has been ignored and that the exhibits have not been properly protected by the County Clerk's Office."

There was no comment immediately available from County Clerk William G. Sharp.

A spokesman from Busch's office said the county clerk had custody of the exhibits from the conclusion of the trial that sent Sirhan to San Quentin's death row, where he awaits execution, until about four months ago when the evidence was turned over to the clerk of the state Supreme Court.

"It is during this period," the spokesman said, "that we have grave concern that unauthorized persons may have had access to the exhibits, particularly the weapon identified as the gun with which Kennedy was killed."

Busch's announcement explained for the first time why he indefinitely delayed a scheduled July 6 statement concerning charges that proper procedures were "violated" in the ballistics investigation of the Ambassador Hotel assassination.

Busch referred to charges made May 28 by

attorney Barbara Warner Blehr against Los Angeles Police Dept. criminalist DeWayne Wolfer, a ballistics expert.

Burch announced a week later his office "would conduct an independent investigation of the charges . . . so there would be no loss of confidence on the part of the public as to whether the facts presented in the courtroom were correct.

"Because the original exhibits were protected by a court order which would prevent their being directly handled," he said, "we felt at the outset of the investigation that we could proceed simply by determining the validity of the . . . charges against Mr. Wolfer.

"However, we have had to delay our findings after learning that this court order . . . has been ignored and that the exhibits have not been properly protected . . . Indeed, there is evidence the exhibits have been directly handled by numerous persons."

Busch promised to "make a full report to the public" and to "take appropriate action" at the end of the investigation.

"We are still confident . . . that the original investigation was thorough and that the subsequent trial outcome was valid," the district attorney said.

"Our concern now is whether there has been any violation of the integrity of the exhibits. We are terribly concerned about the possibility they have been tampered with."

Kennedy was cut down by an assassin's bullets in a hotel corridor moments after he jubilantly acknowledged his victory in the 1968 California Democratic Presidential preference primary.

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Sirhan Gun Claim Nets Suit

Los Angeles attorney Barbara Warner Blehr has been sued for \$2 million in a defamation suit filed by a Los Angeles police expert she accused of violating proper procedures in the ballistics investigation of the Robert Kennedy assassination.

Police ballistics specialist DeWayne Wolfer filed the suit in Superior Court yesterday through attorney John T. La Follette.

The suit charged that Mrs. Blehr's May 28 letter to the city Personnel Commission, intended

to block Wolfer's appointment as crime lab chief, was a "malicious unjustified publication of defamatory and untruthful accusations."

The suit said Mrs. Blehr had "full knowledge" the accusations were false, but still conspired with 15 unknown persons to defame Wolfer's character.

Mrs. Blehr's letter, and a lawsuit charging the Police Department and District Attorney's office with withholding the full facts of Senator Kennedy's assassination, sparked an investi-

gation by District Attorney Joseph P. Busch Jr.

The D.A.'s investigation so far has resulted in charges that the Sirhan B. Sirhan murder trial evidence has been tampered with since the jockey-sized Palestinian refugee was convicted and sentenced to death for slaying the senator July 4, 1968, in the pantry of the Smbassador Hotel.

The suit which alleges cover up of assassination facts was filed by attorney Godfrey Isacc in behalf of a freelance writer who claims Sirhan is innocent.

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Sirhan Did Not Shoot Kennedy, Convicted Man's Lawyer Says

Attorney Godfrey Isaac said Tuesday he did not agree that Sirhan Bishara Sirhan fired the shot that killed Sen. Robert F. Kennedy on June 5, 1968.

Isaac, named Monday as new defense counsel for the condemned Palestinian, said he did not contest that Sirhan was armed and fired shots in the Ambassador pantry that night.

But, Isaac said, new evidence has arisen that points to the existence of a second gunman, unrelated to Sirhan, who used Sirhan's gunshots as a cover for his own and actually fired the fatal bullet, while Sirhan's straying gunfire wounded five other persons.

The Times quoted Isaac Monday as saying he did "not contest the fact that Sirhan killed Kennedy." Isaac

said this was contrary to the view he has espoused for more than a year.

Isaac is the attorney who filed a complaint for disclosure of information June 25, on behalf of investigative journalist Theodore Charach, who has charged that evidence pertaining to the second gunman theory either has been withheld or insufficiently investigated.

Charach's theory, supported by Pasadena criminalist William Harper, also has served as the basis of an affidavit by attorney Barbara Warner Blehr, who in May charged Los Angeles Police Department criminalist DeWayne Wolfer with violations of procedure in his ballistics probe of the Kennedy slaying.

Those charges still are under investigation by the district attorney's office.

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Sirhan Case Probe Opens

The Los Angeles County Grand Jury began taking testimony Monday on evidence from the district attorney's office that exhibits in the Robert F. Kennedy assassination have been tampered with while in custody of the County Clerk.

Appearing first as witnesses in a projected three-day probe were Superior Judge Arthur Alar evidence in the case against convicted gunman Sirhan Bishara Sirhan, and retired Superior Judge Herbert V. Walker, who presided over the trial and issued an order sealing the exhibits.

Testimony was also taken from Chief Dep. Dist. Atty. John Howard and Superior Judge David N. Fitts, who was a deputy district attorney during the Sirhan trial.

The key witness Monday was Peter Talmachoff of the county clerk's office, who appeared carrying a large box containing the controversial exhibits. Talmachoff was the sole witness throughout the afternoon session and was ordered to return today.

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Sirhan Case--Was There a 2nd Gunman?

Gun-Tampering Inquiry May Have Bearing on Kennedy Killing Theory

BY DAVE SMITH
Times Staff Writer

Last May 28, attorney Barbara Warner Blehr accused criminalist DeWayne A. Wolfer of errors and violations of procedure in the ballistics investigation of three major murder cases in which three men now await execution, including Sirhan Bishara Sirhan for the assassination of Sen. Robert F. Kennedy.

Mrs. Blehr raised a question whether a second gunman might have fired at Mr. Kennedy in the Ambassador pantry on June 5, 1968. She asserted that Wolfer had violated four standard precepts of procedure in investigating Kennedy's death and said he committed other errors as an expert witness for the prosecution in the capital convictions of Doyle A. Terry and former Dep. Dist. Atty. Jack Kirschenke.

Calls Charges a "Vendetta"

On June 1, Police Chief Edward M. Davis dismissed Mrs. Blehr's charges as a "vendetta" against Wolfer, acting head of the LAPD crime laboratory, and said Wolfer "in my estimation is the top expert in the country."

Dist. Atty. Joseph P. Busch Jr., appointed as new head of the office that had prosecuted Sirhan as the lone gunman in the Kennedy case, suggested that inconsistencies in Wolfer's testimony might be verbal and/or clerical errors.

On June 4, still of that frame of mind, Busch nonetheless announced his office would investigate Mrs. Blehr's claims—rather than leave the LAPD to probe one of its own—and would give the results in about two weeks.

On June 18, Busch announced a June 28 news conference to release his findings.

On June 24, he postponed it to July 6, to enable investigators to further question witnesses.

On July 2, Busch again postponed the news conference—this time indefinitely.

Pressed for an explanation, he said his office was "terribly concerned" over evidence that since Sirhan's trial the fatal bullets and murder weapon in the Kennedy case might have been tampered with.

Before investigation of Mrs. Blehr's charges could be completed, he said, a subsidiary probe would have to determine whether the crucial exhibits had been "contaminated"—and to what degree—before or after the analysis on which her accusations were based.

Last Wednesday Busch announced that the question of evidence tampering will be laid before the County Grand Jury today.

There is evidence, a spokesman said, that exhibits were so carelessly handled by the county clerk's office that they might be useless in future court action on Sirhan's automatic appeal of the death sentence.

More to the immediate point, they also would be useless in determining the truth or falsity of Mrs. Blehr's specific allegations and the major premise they imply: namely, that an overlooked second gunman may have been Kennedy's real murderer, and that Sirhan may have been condemned for a killing he admittedly attempted but perhaps did not actually commit.

Wolfer, whose expected July 1 appointment as permanent head of the crime lab has not yet materialized, filed a \$2 million defamation suit July 23 against Mrs. Blehr and 15 John Does.

County Clerk William G. Sharp, whose office was accused by Busch of ignoring court orders in allowing at least 13 "unauthorized" persons to view and handle Kennedy exhibits, denies any violation of procedure by his staff.

Meanwhile, The Times has learned, several persons in Sharp's office have been given lie detector tests in connection with their handling of exhibits in criminal cases other than the Kennedy slaying.

Thus, — pending the grand jury's investigation — the Blehr case remains a standoff, more than two months after it was expected to be summarily laid to rest.

But in a sense, the Blehr-Wolfer controversy is merely the salad, while the entree involves deeper questions—in themselves not touched on by Mrs. Blehr, but voiced by at least two of the John Does included with her in Wolfer's suit.

Mrs. Blehr's claims, contained in a letter to the Civil Service Commission, were based on the private ballistics investigation of veteran criminalist William W. Harper of Pasadena, who has testified as a forensic expert for both the prosecution and defense in noted local trials for more than 35 years.

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Harper's work also served to support a court action that more directly tackled the "second gunman" theory—the June 25 complaint for disclosure of information filed by attorney Godfrey Isaac on behalf of freelance investigative journalist Theodore Charach. He charged that city officials deliberately had suppressed certain evidence in the Kennedy slaying and covered up inadequacies in the original investigation.

The Times also has learned that even since the question of possible tampering with the Kennedy exhibits arose, Busch's office has continued to question persons who have nothing whatever to do with those exhibits or the question of Wolfer's performance of his job.

Some are persons whose names were brought into the Kennedy case by Charach, and who for three years have told another version of the events of the night of June 5, 1968.

Former TV Newsmen

One is former KNXT television newsmen Donald L. Schulman, who witnessed Kennedy's assassination and told of seeing another person firing a weapon in the pantry, but who—oddly—was briefly questioned only once in the months leading up to Sirhan's trial and never was called as a witness.

His first intensive interview with any investigative agency was on July 23 of this year.

Another belated witness was Charach, who told the Times:

"If it's true the district attorney can't make any decision on the Blehr thing until this tampering question is settled, then why are they still following this other track? I think the whole thing about tampering is a red herring."

It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people has appeared to be an open-and-shut political murder case.

Charach, a native of Winnipeg whose low, resonant voice kept him in jobs as a radio and film commentator, has devoted his entire time since Kennedy's death to the belief that an overlooked second gunman actually fired the fatal bullet, using Sirhan's first two pistol shots as cover for his own fire.

A nation made weary and skeptical of alternate theories, in the wake of the Garrison investigation of President John F. Kennedy's 1963 assassination, greeted Charach's labors with scant enthusiasm.

Except for exposure in the underground press, Charach generally was dismissed as yet another of the new breed of conspiratorial demonologist, sincere but misguided.

Charach admits he gets emotional and even a bit obsessive about his probe and its frustrations.

"Look," he says, "this is all I've thought about for more than three years. I know I sound like Johnny One-Note, but I'm proud of my work and I just want the truth to come out, whatever it is."

"But the American people aren't going to get anything more than the official version until a few more questions are asked—and asked by the right people, people influential enough to demand answers."

On June 4, 1968, Charach was working on a freelance documentary on Robert Kennedy's meteoric rise to presidential contention on the heels of a smashing California primary victory.

As Kennedy concluded his victory speech and was ushered through a rear pantry toward another crowded ballroom, Charach was swamped in the crush behind the podium.

Thus he was outside the pantry when a few little popping noises—someone said "like a string of firecrackers"—took Kennedy out of the race.

Charach clawed his way inside the pantry to find a panicked crowd—some wounded; the rest shocked—and a knot of people with their attention focussed on the subdued Sirhan.

A security guard slipped out the swinging doors to keep the ballroom crowd from bursting into the bloody pantry.

In the chaotic hours following the shooting, Schulman, now 28, was quoted as saying he saw a security guard fire his weapon. KNXT newscaster Jerry Dunphy broadcast that Schulman told him "Kennedy's bodyguards fired back, the suspect (Sirhan) was shot in the leg . . . Kennedy was shot three times . . ."

Schulman's account was carried worldwide by United Press International, which said, "Schulman,

who witnessed the shooting, said the gunman was shot by Kennedy's bodyguards."

Schulman repeated his version in an interview with Jeff Brent, general manager of Continental News, a division of the Sherman Oaks-based Continental Recordings.

About a week later, Schulman told his story to police, in a brief interview that was never followed up.

And from that day until last July 23, Schulman was not heard from publicly again.

But Charach found him. Charach talked to Brent and traced down Schulman, who evidently then believed that the "bodyguard" was firing at Sirhan rather than Kennedy.

Charach also talked with Karl Uecker, the Ambassador's maitre d' who was leading Kennedy, his left hand in the senator's right, through the narrow pantry and who quickly threw a headlock on Sirhan when the shooting began.

Uecker insists to this day that Sirhan fired his first two shots from Uecker's own right side and from in front of Kennedy, that he got Sirhan in a tight headlock after the second shot and that Sirhan never got near enough to Kennedy to inflict the near-point-blank, upward-traveling, back-to-front head wound that killed him.

In Sirhan's trial, the jury was told in summation that Uecker probably miscounted, stopping Sirhan after the fourth shot.

Uecker says today he was not mistaken; that Sirhan was captive after the second shot and too

far away in any case on the first two.

Then Charach went after the "bodyguard."

Kennedy, a fatalist about possible danger, traveled with only one professional security man — William Barry, a close friend and former FBI agent.

To protect itself, the Ambassador hired extra guards on its own that election night, from the Ace Guard Service. There were seven men—some moonlighting after their daytime jobs—who provided their own uniforms, insignia and sidearms.

One was assigned to the pantry and was just inside the swinging doors when Uecker and the Kennedy party burst in. The guard fell in with them, just behind Uecker and Kennedy, slightly to the right, as the senator walked down the pantry, alternately shaking the hands of the kitchen help and letting himself be led by Uecker, drawing closer to where Sirhan stood.

In the days following Kennedy's death, the guard was interviewed by the police and the FBI.

He said that as the shooting began, he was jostled and knocked down, backward, against an ice machine. He said he never saw the gunman's face, only an arm with pistol attached and spurting red flame.

But his accounts conflicted slightly each time on the point of whether he went for his gun or actually ever got it out of the holster. Once he said he drew his gun and moved toward the fallen senator. Another time: "I reached for mine, but it was too late..."

One official noted recently:

"The guy's stories didn't jibe. He told conflicting accounts, and it seemed obvious he hadn't really seen anything. He really had nothing to tell us."

Because of the variances in his story, the guard was dropped from any further questioning, his credibility questioned by officials who felt he was trying to inject himself into a sensational case he really knew little about.

There is no record of any effort made — nor any thought entertained — to determine whether those variances arose from his effort to conceal something rather than fabricate it. His gun was never examined. The subject never arose.

Whatever might be said of this in light of the present controversy more than three years later, it should be remembered that Sirhan had, after all, been captured on the scene, in the very act of firing.

And in the first days and weeks after his capture, there had been no substantial evidence that he was anything but a loner, bent on motives solely his own.

But in his book on the investigation, "Special Unit Senator," former Chief of Detectives Robert A. Houghton, now with the attorney general's office, wrote in early 1970:

"On July 16, 1969, I held a final Special Unit Senator meeting asking 10 last questions... to the absolute possibility of any person with right-wing connections being in the

Kitchen or pantry the night of June 4-5, 1968."

Within a week, all of them had been answered satisfactorily."

Houghton concedes today, but says he does not believe, that his information may have been incomplete and that his investigators may have missed one—the security guard dismissed and forgotten so long before.

Charach found him on Oct. 7, 1969, living and working in the San Fernando Valley.

More than a year after the event, Charach said, the guard talked easily and affably and "made no bones of his political beliefs."

Those, Charach said, ranged from support of Alabama Gov. George C. Wallace for President, to a hatred for the Kennedy family for allegedly giving everything to black people, to a belief that a race war was imminent.

The guard said he had had a .22-caliber pistol just like Sirhan's that night, Charach reported. It was a built-up, "modified" gun with a larger barrel and could fire nine shots. He once fooled a friend, asking how many shots it might fire. Then later he sold the gun "to a friend," Charach said.

Reenacts Role

And Charach said the guard reiterated the tale he had told officers more than a year before, this time without the telltale hesitations, about how he had actually drawn his gun that night, even acting out his motions.

The guard said enough that, coupled with what he had heard from Schulman

and others, Charach was convinced that the whole story had not been told about the night Kennedy died.

He began to document his findings into an alternate theory of the assassination, ultimately collaborating with French journalist Gerard Alcan in a documentary film recreation called "Who Killed Robert Kennedy?"

But for nearly a year Charach's theory was dismissed as a fabric of coincidence and stretched possibilities. Ultimately, several officials refused to grant him any more interviews.

In July, 1970, Charach laid his theory before Grant Cooper, chief defense counsel in Sirhan's trial. Cooper heard him out and referred him to ballistics expert Harper, whom he had known professionally for years and who, Cooper had recently learned, had begun his own informal check of the ballistics findings in the Kennedy case.

Harper had begun his work after reading Houghton's book and being puzzled at an apparent inconsistency over a slug too large to have come from Sirhan's small revolver.

In the first of what was to become many visits to the criminal exhibits section of the county clerk's office, Harper found that the "large" slug was merely a flattened .22 bullet. But he found other things.

After many months of testing, weighing, photographing and comparing the actual evidence bullets with test slugs fired later by Wolfer, as

well as studying Coroner Thomas T. Noguchi's massive autopsy report on Mr. Kennedy, Harper developed these essential criticisms of Wolfer's work, and hence the foundation stone of the official investigation:

—At least two of the bullets removed from the pantry—one from Kennedy's body, the other from wounded ABC newsman William Wiesel — don't match each other and thus could not have been fired by the same gun.

—Bullets from the same gun will have matching individual characteristics, while bullets from two guns of the same make will match only in class characteristics. The absence on the two bullets of any "phase marks" — usually the investigator's initials—to serve as guideposts in lining up the points where bullets matched indicated that Wolfer matched the bullets down to class characteristics but not as far as individual characteristics.

—There is a difference of 14% in the rifling angles of the two bullets—again pointing to the conclusion that they came from different guns.

Harper's criticism continued:

—While the bullets don't match each other, neither does either one match any of the three bullets contained in an envelope labeled Exhibit 55. It purports to contain three test bullets fired from Sirhan's gun after his arrest. But the serial number is given as H18602, while the serial number of Sirhan's gun was H53725.

—Wolfer later explained that the second gun, H18602, was borrowed from the county clerk's criminal evidence section, from a group of guns slat-

ed to be destroyed, as old evidence weapons are, periodically, each year. Wolfer said he borrowed it on June 10, 1968, at a time when Sirhan's gun was before the County Grand Jury and not accessible to him without a court order. But the evidence slip on Exhibit 55, containing the three bullets fired from it, states in Wolfer's handwriting that H18602 was test-fired on June 6, the very day Kennedy died. Sirhan's gun did not become a grand jury exhibit until June 7.

—There actually are no test bullets in evidence fired from Sirhan's own gun, H53725, but only test slugs from the now-destroyed, borrowed gun, H18602..

Harper also claims:

—At the Sirhan trial, it was concluded that union leader Paul Schrade, behind Kennedy, was hit in the forehead by a bullet that went through the shoulder pad of Kennedy's coat. That would have had to be a westbound shot from in front of the two men. But lab analysis of Kennedy's coat revealed that the hole through the shoulder pad was a back-to-front, eastbound shot, as Wolfer himself testified, with the bullet lodging in the ceiling and never being recovered.

Scientific Support

—Weighing of the remaining bullet fragments taken from Kennedy and the five wounded accounts satisfactorily for eight separate bullets — as many as Sirhan's gun could fire — but still leaves out a possible ninth, that unrecovered, eastbound bullet that went through Mr. Kennedy's shoulder pad.

The implications of Harper's investigation are unsettling to law enforcement officials who sincerely believed they had an airtight prosecution signed, sealed and delivered in the Kennedy case, with none of the nagging questions that attended the Garrison probe of President Kennedy's death.

But Harper's work was gratifying to Charach, who after two years was finding himself generally regarded as a crank. Now his theory had some scientific support.

Harper wrote to Charach;

"Multiple-gun shootings are not a rarity in police work . . . The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative efforts.

"The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria.

"The well established teachings of criminalistics and forensic pathology were cast aside and bypassed in favor of a more expedient solution and, unfortunately, an erroneous over-simplification."

While Mrs. Blehr used Harper's findings as the basis of her effort to block Wolfer's forthcoming appointment, attorney Godfrey Isaac used it, along with Charach's thesis, as the basis of a complaint for full disclosure of information on the Kennedy investigation.

Isaac recently became co-counsel with Luke McKissack in Sirhan's automatic appeal of his death sentence, and thus no longer represents Charach,

who has engaged other attorneys to press his complaint. But Isaac, as Sirhan's attorney, says he is convinced of the validity of Charach's and Harper's work and will use it to the fullest in the appeal.

Mrs. Blehr's attack on Wolfer also remains in limbo, shadowed by the forthcoming grand jury probe of alleged tampering with the Kennedy exhibits.

Much hinges on the outcome of that probe and whether it ever can assess the true nature and degree of tampering. Thereby hangs the larger question: whether the validity of Charach's and Harper's claims can ever be tested at all.

Charach, himself subpoenaed to appear before the jury on Wednesday, says he is skeptical about the investigation and its likely result.

"I think," he said in an interview, "they're just going to say the exhibits are so badly messed up that any further investigation is impossible. We may never hear the truth about it, but I promise you, we'll never hear the end of it."

(Mount Clipping in Space Below)

Sirhan Evidence Said Missing

Dep. Dist. Atty. Richard Hecht has disclosed that some copies of documents used as evidence during the trial of Sirhan Bis-

han Sirhan are missing.

Hecht made the statement yesterday shortly after Los Angeles County Grand Jury ended a five-day secret hearing into possible tampering of evidence connected with the trial of the man convicted of murdering the late Sen. Robert F. Kennedy.

"Certain copies of exhibits used during the trial are unaccounted for by the County Clerk's Office," Hecht said. He

refused to go into further detail.

The Grand Jury "has not been asked to indict anyone" in connection with the possible evidence tampering, he said.

"The jury could decide to report on their findings within a short time," Hecht said. "Or they could decide to wait until their year-end report before making recommendations to the county."

Grand jurors decided to tour the County Clerk's Office in or-

der to acquaint themselves with the office layout, the investigator said.

Earlier this month, Dist. Atty. Joseph P. Busch Jr. asked for the probe because of what he feared was evidence of tampering with the fatal bullets and the death weapon.

The question of tampering arose after police ballistics expert DeWayne Wolfer was accused of violating procedure in investigating Kennedy's death.

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(Mount Clipping in Space Below)

Charge by Grand

Jury

(Indicate page, name of newspaper, city and state.)

I-1 Los Angeles Times
Los Angeles, Times

SIRHAN EVIDENCE TAMPERING SEEN

Submitting Office: Los Angeles

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Letter Assails County Clerk for 'Probable Misfeasance'

BY RON EINSTOSS

Times Staff Writer

The Los Angeles County Grand Jury Tuesday severely criticized the county clerk's office for its handling of evidence in the assassination of Sen. Robert F. Kennedy. In a scathing, five-page letter sent to the Board of Supervisors, the jury said in part:

"The Los Angeles County Grand Jury finds the existence of probable misfeasance . . . with respect to the management and operation of the Los Angeles county clerk's office."

(Misfeasance is the performance of a lawful action in an illegal or improper manner or wrong or improper conduct in public office—acts of omission or remission rather than deliberate wrongdoing.)

It was the jury's finding, after a five-day hearing into allegations of possible evidence tampering in the Kennedy case, "that such management, if allowed to continue, can only weaken the integrity and structure of county government . . ."

Clerk's Aide Also Named

The letter was signed by jury foreman Leo Epstein and foreman pro tem Christian W. Planje and was highly critical of County Clerk William Sharp and Peter J. Talmachoff, chief of Sharp's criminal division.

The matter was taken to the grand jury, according to Dep. Dist. Atty. Richard W. Hecht, because the question of evidence tampering arose during an inquiry into alleged irregularities in the original ballistics investigation that led to the conviction of Sirhan B. Sirhan for the slaying of Kennedy.

Jurors found that tampering had occurred, and that, in fact, some of the evidence in the case is missing.

However, Hecht said, indictments were not returned because "there is insufficient evidence of a prosecutable crime."

Numerous pages from two photostatic copies of Sirhan's three so-called "RFK Must Die" notebooks—both used as court evidence in the case—apparently were taken while in the custody of the clerk's office.

Hecht revealed that two pages are missing from one copy and ~~25~~ 26 pages are missing from another.

In addition, the copy of another notebook is said to be missing in its entirety, but this was not mentioned in the grand jury's letter.

The missing copies or tampered evidence are not expected to have

any effect on Sirhan's appeal, the district attorney's office said.

None of the original notebooks or pages from them is missing.

Although the grand jury expects to take no criminal action in the case, the investigation into the missing notebook and pages from the two others is continuing, according to Hecht.

At the same time, the jurors revealed that official records in the Jack Kirschke murder case also are "incomplete, inadequate, confusing and, in some instances, simply missing."

Kirschke is the former county prosecutor convicted of murdering his wife and her paramour.

It also has been learned, but not reported by the grand jury, that possible key evidence in several other criminal cases may also be missing.

Specific details on what records or other evidence are missing in the Kirschke and other cases were not available.

Some Reservations

In addition to the Sirhan case—and the allegations of irregularities in the ballistics investigation—the grand jury said that because exhibits in the care of the clerk's office were "handled, examined and photographed by unauthorized persons and mishandled by county clerk exhibit personnel" it had some reservations about the present "integrity" of that evidence.

Sharp contacted before he received a copy of the letter, said he had cooperated fully with the grand jury and that he had promised the panel he would take any disciplinary action deemed necessary.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

He said, however, that his own investigation of the matter determined that none of the evidence in the Sirhan case was mishandled in his office.

Talmachoff said he believed that any comment on the grand jury's action should come from Sharp.

Declines Comment

Later Tuesday, Sharp declined any further comment until he could make a complete study of the grand jury's report.

Meanwhile, the Board of Supervisors ordered an investigation by a special task force to be headed by Arthur G. Will, the county's chief administrative officer.

Board Chairman Warren M. Dorn announced the appointment of Will and ordered the investigation after a telephone conference with a majority of board members.

He said Will's task force was directed to "investigate the organizational structure, safeguards, management practices, competency and adequacy of the upper and middle management personnel of the county clerk's office, giving particular attention to the criminal division (of the clerk's office).

"This order was made without prejudice to or in any way prejudging the merits of the charges.

"The instruction was for a vigorous investigation and a report back to the board at the earliest possible time to make certain the essential services are being provided to the court and the interests of the people of the county of Los Angeles are being safeguarded."

After the grand jury's letter was hand-delivered to the clerk of the Board of Supervisors, Epstein and Planje obtained from Superior Judge Richard F. C. Hayden an order which in effect makes all the testimony heard by the grand jury in the case public.

Hayden directed that a transcript be prepared and that copies be made available to the Board of Supervisors, district attorney's and clerk's offices and the U.S. Department of Justice.

Epstein said the grand jury believes the testimony taken in the case is of sufficient importance that to keep it sealed would not be in the public interest.

The court orders allegedly violated by the clerk's office were issued on June 7, 1968—two days after Kennedy was shot at the Ambassador—and on May 20, 1969, by Superior Judges Arthur L. Alarcon and Herbert V. Walker, who has retired.

Talmachoff is said to have been present at conferences during which the orders were explained and discussed.

Some of the court orders, according to the grand jury, were not observed and others were ignored or disregarded. Jurors said this included much of the key ballistics evidence now being questioned.

Sharp is reported to have testified before the grand jury that he was not aware of Walker's order until June of this year.

Commenting on this, jurors said Sharp failed to maintain effective communication between himself and his subordinates . . . "in a unique case of historical importance."

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities is culpable," the jurors said.

Warnings Unheeded

The grand jury also noted that Sharp failed to heed the warnings and recommendations of the 1968 panel.

The present jury said that crowded conditions within the clerk's office "cannot be an excuse for mismanagement."

The 1968 panel suggested that "accelerated attention" be given to the problems of inadequate facilities and said controls over the handling and transfers of exhibits need tightening.

In its letter to the supervisors, the grand jury asked that attention be given to other divisions of the clerk's office because of "the performance of upper management" in the criminal division's handling of the Sirhan matter.



UNDER FIRE — County Clerk William Sharp, assailed in handling of slaying evidence.

(Mount Clipping in Space Below)

Some Sirhan Case Evidence Disappears

Some evidence in the Robert F. Kennedy assassination case is missing, it was revealed Monday.

Dep. Dist. Atty. Richard W. Hecht made the disclosure after the Los Angeles County Grand Jury wound up a five-day hearing into allegations of possible tampering in the county clerk's office with evidence used at the Sirhan B. Sirhan trial.

Sirhan was convicted and condemned to death for the June 5, 1968, slaying of Sen. Kennedy.

The missing evidence, according to Hecht, consists of copies of exhibits introduced during the Sirhan court proceedings.

Special Report

Hecht, who heads the district attorney's organized crime-pornography division, refused to elaborate, but indicated that the grand jury may soon issue a special report on its findings in the matter.

Jury foreman Leo D. Epstein refused to comment on Hecht's statement, but noted that jurors will return this morning to continue their deliberations.

When the hearing began last week, Hecht said that if there was any testimony or direct evidence of tampering, it would affect the "integrity" of all Sirhan evidence in the custody and control of the county clerk's office.

The prosecutor said his office did not ask the grand jury for any criminal prosecution in the case and indicated that he does not expect any to be forthcoming.

~~At least~~ five witnesses were summoned to testify at the hearing, including County Clerk William Sharp, Peter J. Talmachoff, chief of the clerk's criminal records division, and William W. Harper, who contends there were irregularities in the original ballistics investigation in the Sirhan case.

(Indicate page, name of newspaper, city and state.)

II-2 Los Angeles Times
Los Angeles, Calif.

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County Clerk Assailed in Sirhan Case

Los Angeles County grand jurors have criticized the County Clerk's office for allowing unauthorized persons to tamper with evidence concerning the trial of convicted assassin Sirhan B. Sirhan.

The criticism came in the form of a letter delivered yesterday to the County Board of Supervisors.

Grand Jury Foreman Leo Epstein blasted County Clerk William Sharp and Chief of the Criminal Division Peter Talmachoff for "misfeasance" of duties which resulted in the loss of certain evidence.

The missing evidence included pages from two photostatic copies of one of Sirhan's notebooks and bullets fired from Sirhan's gun.

After the letter was delivered, Epstein and Deputy Dist. Atty. Richard Hecht appeared before

Superior Court Judge Richard Hayden to ask that the transcripts of a five-day hearing into the evidence tampering be made public.

Judge Hayden granted the motion.

Epstein said the County Clerk's office had largely ignored a court order restricting the viewing of evidence from the Sirhan trial which ended with Sirhan's conviction on charges of killing Sen. Robert F. Kennedy.

Using strong language, Epstein bluntly accused Sharp of "mismanagement" and failure to communicate effectively with his subordinates in the duties of the office.

"Mr. Sharp's concern with minor details of reform while overlooking major responsibilities . . . in a unique case of historical importance . . . is culpable," Epstein said.

"The official records of (his) office concerning evidence in the trial of Sirhan and Jack Kirschke (former Deputy Dist. Atty., convicted of the murder of his wife) are incomplete, inadequate, confusing and, in some instances, simply missing," he continued.

Because of the "startling inadequacy" of the official record in the County Clerk's office, Epstein said the grand jury was unable "accurately to reconstruct the events which such records should precisely reflect."

The lack of sufficient information, the foreman continued, "precludes at this time any criminal action relating to the possible theft of those documents."

He blamed the County Clerk's office for ignoring a court order issued by Superior Court Judge Arthur Alarcon and later continued by Judge Herbert V. Walker which restricted the viewing of original exhibits to persons who received the court's permission.

Judge Hayden ordered that the transcripts be released when they are completed as a single document rather than on a piecemeal basis. This could result in a delay of several days.

(Indicate page, name of newspaper, city and state.)

A-1 ^{**}Herald-Examiner
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Denies Any Inefficiency in Sirhan Case

BY RON EINSTOSS

Times Staff Writer

County Clerk William G. Sharp Wednesday denied as "totally unfounded" stinging criticism of his office by the Los Angeles County Grand Jury for its handling of evidence in the assassination of Sen. Robert F. Kennedy.

The 58-year-old department head said he has seen no indication that anyone in his office has done anything improper.

He welcomes an investigation by a special task force appointed by Board of Supervisors Chairman Warren M. Dorn, he added.

He is confident, Sharp said, that the inquiry under the direction of Asst. County Administrative Officer Harry L. Hufford will confirm the efficiency of the management of the clerk's office.

And, Sharp said, he does not plan any changes in the operation of his office as a result of the grand jury's criticism.

No Missing Evidence

Sharp also told a press conference that "no regular records or exhibits" used in the trials of Sirhan B. Sirhan and Jack Kirschke are missing.

Sirhan was convicted and condemned to death for the slaying of Kennedy. Kirschke, a former county prosecutor, is serving a life term for killing his wife and her paramour.

According to the county clerk, the only missing or incomplete documents are the applications to view the exhibits in the cases and, he explained, there are no statutory requirements that he keep these.

Commenting on the grand jury's charge that numerous pages from two photostatic copies of Sirhan's three so-called "RFK Must Die" notebooks are unaccounted for and that the copy of another of the notebooks is missing in its entirety, Sharp said the original notebooks

are intact and in the hands of the California Supreme Court (which is reviewing Sirhan's appeal).

He conceded that certain photostatic copies made to preserve the integrity of the three notebooks themselves are incomplete. However, he said these can be reconstructed from the original exhibits if necessary.

As to the grand jury's charge of misfeasance—a lawful action done in an illegal or improper manner—Sharp said that if, after reading the transcript containing the testimony of 35 witnesses who testified during the five-day hearing, he finds evidence of misconduct by anyone in his office, he will "take the appropriate action."

The transcript, according to Sharp, will not be available until next week. It is being released by special order of Superior Judge Richard F. C. Hayden at the request of the grand jury and Dep. Dist. Atty. Richard W. Hecht, who conducted the inquiry.

Sharp said his office has fully cooperated with the district attorney in the matter.

He conducted his own investigation of the case, he added, including an audit of all exhibits in the possession of the clerk's office here.

In reply to criticism that his office did not specially pack its ballistics evidence in the Sirhan case as suggested by the court, Sharp said, "There is nothing in Judge (Herbert V.) Walker's order which required evidence to be specially packaged."

(Indicate page, name of newspaper, city and state.)

I-1 Los Angeles Times
Los Angeles, Calif.

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ACK Richards aug 27

No Policy Change

He said bullets fired from Sirhan's gun were handled only by a criminologist who received authorization from one of the attorneys of record and that he was given access to them only under surveillance of personnel of the clerk's office.

Sharp explained that until he sees the transcript he cannot "intelligently comment" on an allegation that there is a general lack of security precautions in his office.

He said, however, that

all exhibits are kept in a strong vault under strict security regulations and that only certain exhibit personnel have access to it.

The grand jury also rebuked Sharp because he was not informed prior to June of this year of the existence of Walker's order that evidence in the Sirhan case should be given special handling.

Sharp said his top aides attended the conference with the judges and did not consult with him because no change in office policy was required by the court's order.

There are many such conferences with judges, Sharp said, and although they do not always concern cases of "historical importance" such as Sirhan, they do, he said, concern many matters of "major importance."

Most of them, he said, are not brought to his attention unless they require a decision on his part or a change in policy.

~~Sharp claimed that his~~ office has complied with most of the recommendations contained in a 1968 Los Angeles County Grand Jury report which was critical of the han-

~~dling of exhibits in criminal~~ cases. He said that in complying with the suggestions he "went far beyond the report."

Any "objective analysis" of his office, Sharp said, will "prove wrong" the grand jury's statement that his department is concerned only with "minor details of reform" at the expense of overlooking its major responsibilities.

Present during Sharp's meeting with the press was Peter J. Talmachoff, who heads the clerks' criminal division.

Talmachoff also was criticized by the grand jury, but Sharp said he has seen no evidence of improper conduct by his aide.

The grand jury's hearing into Sharp's operations were part of an inquiry by the district attorney's office into allegations of irregularities in the original ballistics investigation that led to Sirhan's conviction.

Chief Dep. Dist. Atty. John E. Howard said Wednesday that his office now is evaluating the grand jury's action. The panel's findings will be "an integral part" of the district attorney's final report on the ballistics matter, he added.

(Mount Clipping in Space Below)

Sirhan Case Probe Extended

New evidence uncovered in the Los Angeles County Grand Jury investigation into handling of exhibits used during the Sirhan B. Sirhan trial today has led to an additional day of inquiry.

Dep. Dist. Atty. Richard Hecht, in charge of the investigation, said he requested extension of the hearing, but he refused to elaborate on the evidence.

"It's a very delicate matter," Hecht said.

He expected the investigation to wind up by noon Monday.

The grand jury has interviewed 24 witnesses since last Monday, following reports of tampering with exhibits from the trial of Sirhan for the assassination of Sen Robert F. Kennedy.

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
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Misconduct In Sirhan Case Denied

Investigation continues today by an "in-house" task force into the handling of evidence surrounding the assassination conviction of Sirhan B. Sirhan despite denials by County Clerk William G. Sharp that any "misconduct or mishandling" has occurred.

At the same time that a seven-member task force appointed by Chief Administrative Officer Arthur G. Will began its probe yesterday, Sharp held a press conference to refute criticism leveled at him and his staff by the grand jury.

County Supervisors ordered Will to set up the task force following receipt of a letter Tuesday from the grand jury accusing Sharp of "probable misfeasance and nonfeasance" in guarding the evidence used in Sirhan's trial.

Sharp, ~~hotly~~ denied that any evidence was "missing or lost" and he has no knowledge of "misconduct, dishonesty or willful mishandling" of the exhibits by his staff.

Sharp said he "welcomed" the investigation to be made by Will's third in command, Harry L. Hufford, and the task force headed by Analyst Roy Ito.

Sharp added, however, that until the grand jury transcript is made available to him, he could not "intelligently" respond to many of the points raised by the panel.

But, he flatly stated that none of the original Sirhan evidence is missing and that security precautions were adequate.

"I could change my mind after reading the grand jury transcript," Sharp said, "and we will take very quick disciplinary action if that is the case."

The task force investigation should take about three weeks, a spokesman for Will said.

(Indicate page, name of newspaper, city and state.)

A-3 Herald-Examiner
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Transcript on Sirhan Case Quiz Released

By **RON EINSTOSS**

Times Staff Writer

A Pasadena criminalist who supported charges of irregularities in the ballistics investigation into the Sen. Robert F. Kennedy assassination may have been given improper access to evidence in the case, it was learned Wednesday.

The disclosure came with Superior Judge William B. Keene's release of the 690-page transcript of the county grand jury's inquiry into the handling of evidence in the case by the county clerk's office.

Jurors criticized County Clerk William G. Sharp and members of his staff three weeks ago at the conclusion of the hearing. They claimed there now is some question as to the integrity of evidence introduced during the trial of Sirhan B. Sirhan, convicted slayer of Sen. Kennedy.

There is no indication in the three-volume transcript that criminalist William W. Harper tampered with any of the evidence. But retired Superior Judge Herbert V. Walker testified he did not believe Harper should have been permitted to handle ballistics evidence without a court order.

Walker issued the order at the conclusion of Sirhan's trial which provided that only attorneys of record or their agents should be given access to the ballistics evidence.

OK'd by Lawyer

Harper said he was allowed to examine the evidence after obtaining a letter from attorney George E. Shibley, an associate of Luke McKisack, who is one of the lawyers representing Sirhan in his appeal.

It was Harper's investigation which is said to have led to the filing of charges with the City Civil Service Commission against police criminalist De Wayne A. Wolfer.

The charges, prepared by attorney Barbara Warner Blehr, alleged that Wolfer made errors and violated procedures in his ballistics investigation not only in the Sirhan case but also in two others, including that of former prosecutor Jack Kirschke, who was convicted of killing his wife and her lover.

Although he had no connection with the Sirhan case, Harper was a defense witness at the Kirschke trial.

Harper testified he was referred to Shibley by Theodore R. Charach, a major proponent of the theory that Kennedy was killed by a second gunman, not Sirhan.

The testimony of several witnesses appeared to support the grand jury's charge of laxness in the clerk's office in the handling of exhibits in the case.

Harper informed the grand jury that once while he was examining the ballistics evidence, he was in the company of attorney Godfrey Isaac. Isaac reportedly represents both Charach in his attempts to bring the conspiracy theory before the public and Sirhan in his appeal.

Robert B. Kaiser, who authored the book "RFK Must Die" and served as a defense investigator during Sirhan's trial, testified that another proponent of the conspiracy theory, John Christian, boasted some time in 1969 that he had "slipped" some copies of pages of Sirhan's notebook out of the clerk's office.

Copies of Evidence

Kaiser also testified that he believed he could have walked out of the clerk's office with anything he wanted.

Christian, who, according to Kaiser, denied taking the evidence after he learned of the district attorney's investigation into the matter, reportedly declined to appear before the grand jury.

Sharp, who has denied as "unfounded" all claims that his office was negligent in its handling of Sirhan evidence, said Wednesday that he has appointed several members of his staff to closely examine the transcript and report their findings to him.

Meanwhile, the Board of Supervisors is conducting its own investigation in the case.

(Indicate page, name of newspaper, city and state.)

II-5 Los Angeles Times
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THE PUBLIC SPEAKS OUT**Younger Comments
on Sirhan Trial Theories**

In recent months, questions have been raised concerning all aspects of the Sirhan case by a variety of people for a variety of motives.

When, as district attorney of Los Angeles County, I prosecuted Sirhan, we knew, and I so stated on numerous occasions that some day someone would raise questions concerning the manner of death and the parties responsible.

It was inevitable that the conspiracy theory would be suggested—that makes a better story.

Even though I knew that some persons, whose motives might or might not be apparent, would never allow the case to be put to rest, we took all reasonable means to insure that the true story was developed and perpetuated.

However, in recent months that which we predicted has occurred, and I am still frequently asked whether there were inconsistencies in the testimony at the Sirhan trial.

My answer: Yes, definitely there were. When 65 witnesses testify concerning any incident, I am not disturbed concerning minor inconsistencies in the testimony. I would be concerned if all 65 witnesses testified in precisely the same manner.

Honest individuals testifying to an event which they observed could not possibly see, hear and recall the events in the exact same way. Inconsistencies of a minor nature lend credence to the testimony of witnesses. In the Sirhan case such inconsistencies as existed in the testimony of the witnesses were considered and evaluated by the jury.

It should be remembered that the investigation following the assassination of Robert F. Kennedy on June 5, 1968 by the Los Angeles Police Department and other cooperating departments, including the Los Angeles County District Attorney's Office, the FBI and other agencies, was one of the most complete, if not the most complete, criminal investigations ever conducted by a law enforcement agency in the United States.

It was determined that all possible information would be obtained and be made available to the public at a time when the constitutional rights of the defendant could not be jeopardized by the attendant publicity.

More than 4,000 witnesses were interviewed. Sixty-five witnesses were called by the district attorney of Los Angeles County to testify during the course of the trial. At the conclusion of the case, reports covering interviews with those witnesses who had not been called to testify by either party, comprising 199 in all, were filed with the Superior Court as exhibits and became a matter of public record.

At the request of defense counsel, duplicates of more than 150 files containing interviews of potential witnesses were delivered on pretrial discovery motions. Included among these files were recorded interviews of more than 70 persons who were reported to have observed the defendant at some time during the evening of June 4 and the early morning of June 5 at the Ambassador Hotel.

EVELLE J. YOUNGER
Attorney General
Sacramento

(Indicate page, name of newspaper, city and state.)

II-7 Los Angeles Times
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What Sirhan Probe Heard on Lost Data

Testimony in the grand jury probe into charges of mishandling of evidence in the Sirhan Bishara Sirhan case revealed the mysterious disappearance of exhibits and money from the county clerk's office, it was learned today.

Thefts were discovered in August, 1969, and a number of employees in the county clerk's office were asked to take lie detector tests, John Walker, head of the Court Services Division, testified during the recent investigation.

The disclosure was made today with the release of three volumes of testimony taken during the grand jury hearing last month. Earlier investigations disclosed some Sirhan trial exhibits were missing, but these were not specified in the jury transcript.

The probe resulted in County

Clerk William G. Sharp being criticized by the Board of Supervisors for allowing evidence in the assassination case to be misplaced. Some of the documents, including a copy of one of Sirhan's three notebooks, disappeared.

According to Walker's testimony, one of the employees in the clerk's office assigned to the exhibits section resigned, rather than take a second lie detector test.

Sharp, who has been in the county clerk's office since 1941, testified during the secret proceedings that nobody had notified him about a court order restricting the viewing of the Sirhan exhibits only to persons with proper authorization.

Sirhan has been sentenced to death for the assassination here

of U.S. Sen Robert F. Kennedy on June 5, 1968.

Sharp told the grand jury he had no knowledge of the court order issued by Superior Court Judge Herbert Walker until after a probe was launched into the mishandling of the Sirhan exhibits.

The only explanation Sharp gave was that he was "out of

town" when the court order was issued.

"I can't answer that," Sharp said when Deputy Dist. Atty. Richard Hecht asked him why no one had notified him later of the court order.

Peter Talmachoff, chief of the criminal division in the County Clerk's office, also has drawn criticism because of his failure to protect the exhibits.

Talmachoff, according to the transcript, attended a meeting in the chambers of Superior Court Judge Charles Loring on May 16, 1969. The meeting, attended by Judge Walker, Robert Houghton, a highranking member of the Los Angeles Police Department and Deputy Dist. Atty. David N. Fitts, was held to lay down ground rules on the best methods of protecting the Sirhan evidence.

Talmachoff received direct orders not to release the Sirhan items except under court order, the transcript revealed.

Other witnesses testified that the Sirhan paper exhibits were moved to several different locations for reproduction purposes. Sharp and Talmachoff blamed a "too heavy" work load and ignorance of untrained new employees for the items going astray.

(Indicate page, name of newspaper, city and state.)

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Sirhan Attorneys Say Search Illegal

SAN FRANCISCO (AP)—Attorneys for Sirhan B. Sirhan have challenged the death penalty and claimed illegal search in the conviction and sentencing of Sirhan in the 1968 slaying of Sen. Robert F. Kennedy.

In a closing brief, the attorneys yesterday argued Sirhan's bedroom and personal belongings were illegally searched because his brother could not give permission while Sirhan was in custody.

They argued that Sirhan is being subjected to cruel and inhuman punishment in violation of the 8th and 14th Amendments to the U.S. Constitution by being sentenced to death.

Luke McKissick, a Los Angeles attorney, signed the 55-page brief which supplements a 700-page opening brief filed earlier.

Sirhan, 27, was convicted of murdering Kennedy on June 5, 1968, and sentenced to death at San Quentin Prison.

In the first brief, Sirhan claimed Los Angeles Superior Court Judge Herbert Walker erred in Sirhan's two unsuccessful attempts to plead guilty. He also contended there was an illegal search of his personal belongings, illegal selection of both grand and trial juries and exclusion of jurors who opposed capital punishment.

The latest brief argued that the search of a trash area at the

Sirhan home produced an envelope which had highly prejudicial material written on it and said the search violated Sirhan's constitutional rights.

Of capital punishment, the attorneys said:

"The purposes of criminal law are satisfactorily effectuated by life imprisonment, a means less subversive to the right to live.

"California has shown no compelling interest which warrants rendering the appellant extinct."

(Indicate page, name of newspaper, city and state.)

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1 SEP 23 1971	
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R.O. Richards	

(Mount Clipping in Space Below)

Criminalist in Sirhan Inquiry Cleared of Impropriety by DA

**Busch Says Allegations of Ballistics Procedure Violations
Were 'People Trying to Make Something Out of Nothing'**

BY RON EINSTOSS

Times Staff Writer

Police criminalist DeWayne Wolfer Monday was cleared of allegations that he violated ballistics procedures in the investigation into the assassination of Sen. Robert F. Kennedy.

Dist. Atty. Joseph P. Busch Jr. said a lengthy inquiry by his office refutes the accusations against Wolfer. The prosecutor labeled those attacking the criminalist's work on the case as "people trying to make something out of nothing."

Busch conceded, however, that his office did not test-fire the gun taken from Sirhan B. Sirhan, the convicted slayer of Kennedy. He said there is insufficient evidence of any improprieties on Wolfer's part to necessitate doing so.

Weapon in Custody of Court

Wolfer's critics contend that such a firing would substantiate their charges. The death weapon now is in the custody of the California Supreme Court.

The allegations that Wolfer acted improperly were contained in a letter sent by attorney Barbara Warner Blehr to the City Civil Service Commission on May 28—nearly three years after Kennedy was shot to death and five others were wounded in a pantry of the Ambassador.

In her four-page letter, assertedly written in an effort to block Wolfer's appointment as permanent head of the Los Angeles Police Department's crime laboratory, Mrs. Blehr accused the criminalist of violating four separate precepts of investigative procedures in his handling of the Sirhan matter.

Her charges also raised the ques-

tion of whether a second gunman might have fired the shots which felled Kennedy on June 5, 1968 as he was celebrating his California Presidential primary election victory.

Mrs. Blehr contended that Wolfer never actually test fired the gun taken from Sirhan, but rather tested another gun which, she claimed, did in fact match at least three bullets removed from some of the victims.

Lists Investigation Points

Busch said Monday he is convinced that Sirhan and only Sirhan was involved in the assassination and he pointed out that his own investigation of the allegations revealed only these relevant facts:

—That serious errors in Mrs. Blehr's charges against Wolfer were uncovered.

—That a careful study of these errors refute Mrs. Blehr's allegations.

—That a clerical error was made (by Wolfer) in the labeling of an envelope containing three bullets test fired from Sirhan's gun by Wolfer.

—That serious questions concerning the present integrity of exhibits in the Sirhan case were raised because of the handling of the evidence by unauthorized persons while it was in the custody of the Los Angeles County Clerk's office.

"The mislabeled envelope in no way detracts from the salient reality that the murder verdict returned (against Sirhan) was just and correct," Busch declared, noting also that Sirhan's conviction followed a "massive" six-month inves-

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
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tigation which involved interviews of more than 1,000 persons and the efforts of more than 75 investigators.

The district attorney's office began its inquiry on June 4 of this year because, Busch explained, he felt an independent investigation was needed, "so there would be no loss of confidence on the part of the public" as to whether Wolfer used proper procedures.

Busch blamed "distressingly lax handling of the trial exhibits by the County Clerk's office as one of the reasons that his investigation took so long to conclude.

Busch charged that Mrs. Blehr's accusations, some of which were supported

by affidavits signed by three other criminalists, were the result of inadequate examination of the trial record and incomplete investigation of the actions of Wolfer in the case.

He said Wolfer's only error was in mistakenly labeling an envelope containing three bullets test-fired from the gun taken from Sirhan with the serial number of the same type of gun which was used for other tests in the case.

The second gun was used only to conduct tests of sound characteristics and to verify muzzle distance at a time when the Sirhan weapon already had been introduced into evidence before the County Grand Jury, Busch said.

(Mount Clipping in Space Below)

NO COHORT**Sirhan Was
Lone Killer,
Police Say**

A Police Department board of inquiry Tuesday told Los Angeles Police Chief Edward M. Davis that it had found no foundation to the theory that anyone besides Sirhan B. Sirhan was involved in the assassination of Sen. Robert F. Kennedy.

The board issued its report one day after Los Angeles County Dist. Atty. Joseph P. Busch announced that his office, after a five-month probe, had reached the same conclusion.

The three-man police board attributed the "alternate assassin" theory to "conspiracy buffs" who, they said, "will be con-

stantly attempting to document their beliefs."

Both the police and district attorney's probes were launched May 28 when attorney Barbara Warner Blehr accused Police Department criminalist DeWayne A. Wolfer of mishandling the ballistics investigation of the Kennedy assassination and two other murder cases, including that of former Dep. Dist. Atty. Jack Kirschke.

While Busch's office investigated only the charges pertaining to the Kennedy assassination the police board went into all three.

As with Busch's probe, the police board conceded there was a clerical error in the labeling of one evidence envelope during the Sirhan trial. The board said it found no evidence of any errors in the other two cases.

The board was made up of Asst. Chief Jack G. Collins, Dep. Chief John A. McAllister and Comdr. George N. Beck.

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Inspection of Assassination Report Sought

Immediate access to a 10-volume investigation report dealing with the assassination of Sen. Robert F. Kennedy was demanded Tuesday by attorney Barbara Warner Blehr in a Superior Court petition.

Mrs. Blehr made her demand in connection with her defense in a \$2 million libel suit brought by DeWayne A. Wolfer, acting head of the Los Angeles police crime laboratory. His suit was based on a letter written by Mrs. Blehr in opposition to his permanent appointment.

The inspection plea, set for hearing Nov. 16 before Superior Judge Max Z. Wisot, declared that Mrs. Blehr had been denied access to the material even though it is a public record and has been used by writers looking into the murder of the New York Democrat by Jordan-born Sirhan B. Sirhan.

Mrs. Blehr has contended that while Sirhan may have fired pistol shots at Kennedy, the fatal bullets could have come from another gun. But Wolfer's lab work, she has charged, was so faulty that it became almost impossible to present this theory in court.

The Blehr petition also seeks the right to inspect police reports concerning the murder prosecutions of former Dep. Dist. Atty. Jack Kirschke and one Lewis Terry. All of the reports, she maintains, have been perused by others but have been denied to her on the grounds that they are confidential.

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Jury View Disputed on Sirhan Evidence

Report Takes Issue With Main Points of Criticism

A report by the Los Angeles County chief administrative officer Thursday took issue with some major points of criticism the county grand jury directed against the county clerk's office in the handling of evidence in the Sirhan B. Sirhan murder trial.

County Clerk William G. Sharp's office did show some deficiencies in looking after the evidence, but Sharp's office is being "effectively administered" in a "quite creditable" manner, CAO Arthur G. Will said.

The 29-page report was prepared for the Board of Supervisors by a task force of personnel from Will's office.

Will concluded that "inadequate attention on a sustained basis was given to the magnitude and importance of the trial by top management" in Sharp's office.

Sirhan was convicted of the murder of Sen. Robert F. Kennedy. He is now awaiting execution at San Quentin Prison.

The county clerk's office, Will continued, "needs to establish effective mechanisms for identifying

cases of major significance and establishing appropriate special procedures to insure foolproof handling of all aspects of the clerk's responsibilities."

But as to a grand jury charge that the county clerk's office failed to comply with an intention of the court that ballistics evidence in the case be "specifically packaged," the Will report said:

"Our task force finds that no special instructions were given by the court in this regard. The storage of the bullets while in the custody of the county clerk was in the same package they were in when received from the LAPD. This was consistent with the standard operating procedure . . ."

The grand jury criticized the county clerk's office for assertedly allowing unauthorized persons to view and handle the Sirhan exhibits, and it noted that several pages of copies of notebooks of Sirhan's notes were missing.

"Allowing representatives of counsel to view exhibits has been standard operating procedure for the division," the report answered.

The missing copies of notebook pages, the report said, had been intended for jury and public viewing and were available at 50 cents a page.

"We are unable to determine the disposition of these copies," the report said. "However, the original documents were transmitted to the state Supreme Court intact."

As to the grand jury's general criticism of the performance of upper and middle management of the county clerk's office, the

report answered:

"Management and overall operation of the department is generally satisfactory. The most serious criticism which would appear to be applicable is that management did not consistently follow through to insure understanding and compliance to instructions by lower level staff in this particular case."

Sharp, who called the grand jury criticism of his office "totally unfounded" when it was made last August, appeared satisfied with the Will report.

"The report of the chief administrative officer refutes charges made by the grand jury that evidence in the Sirhan case was mishandled," Sharp commented. "This investigation fully corroborates my views all along that no exhibit in the Sirhan case was tampered with while in my custody . . ."

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Charach challenges for D.A. post Will Bobby Kennedy's ghost beat Busch at the polls

FRED HOFFMAN

Bobby Kennedy's ghost is coming back to haunt District Attorney Joseph P. Busch in his quest for reelection this year.

Almost four years have passed since the second Kennedy brother was shot in the Ambassador Hotel and shipped back to Washington, D.C. in a box. L.A. County authorities' handling of the politically-inspired murder will be an issue in the coming election.

President Kennedy's accused assassin never went to court, and Martin Luther King's alleged killer was given 99 years in jail with no trial. But in Los Angeles a million-dollar show was put on "to restore public confidence in our institutions."

Theodore Charach, the stubborn researcher whose work helped uncover the DA's use of fabricated, fraudulent evidence to convict Sirhan Sirhan, held a press conference at KPFK Friday morning to play a new taped documentary and to announce that his documentary film, "Who Killed Bobby Kennedy?", will be released during the Presidential campaign.

Charach proposed to make this an effective issue in the 1972 campaign. "I hold the Office of the California Attorney-General, the Office of the Los Angeles County District Attorney and the Los Angeles Police Department accountable for this travesty on the face of the American community.

"District Attorney Joseph P. Busch must be defeated in his bid for elective office. In defeating Busch we will be rebuking Attorney-General Evelle Younger.... Mr. Busch has declined to serve justice on the strength of the unchallenged Harper findings by respected members of the profession of Criminalistics." (Criminalistics is scientific evaluation of physical trace evidence linking an individual suspect to a specific crime. Criminalistics applies sophisticated measurement techniques to fingerprints, ballistics, photographs, etc.)

Charach called "for the eradication of Wolfism in the prosecution of criminal law. By Wolfism I define that poison which permits falsification and manufacture of evidence in our courts through police incompetence, s..."

Dewayne Wolfer, now acting head of the LAPD crime lab, was the prosecutor's ballistics expert during Sirhan's trial. Charach, William Harper and other investigators claim that Wolfer fabricated evidence, falsified documents and provided the police with an oversimplified solution to the Kennedy murder.

Wolfer was to become permanent head of the crime lab July 1 until charges were made against him by attorney Barbara Blehr late last Spring. Busch's office was supposed to investigate the accusations and the implication that Robert Kennedy was killed by a second gunman. Instead the DA suddenly became "terribly concerned" that the evidence had been tampered with. The county clerk served as temporary scapegoat while the authorities responsible slid the main issue aside. Then the clerk was exculpated, the evidence was said to be in order and it was alleged that all is right with the world. Wolfer's promotion was temporarily shelved.

William Harper, an eminent criminalist who qualifies as an expert in six states and is a Fellow of the American Academy of Forensic Sciences, studied the evidence for seven months and then wrote:

"Senator Kennedy was fired upon from two distinct firing positions.... Sirhan was directly in front ... face-to-face with the Senator. A second firing position ... was located in close proximity to the Senator, immediately to his right and rear. It was from this position that four shots were fired, three of which entered the Senator's body.... Kennedy received no frontal wounds. The three wounds suffered by him were fired from behind and he had entrance wounds in the posterior parts of his body.

"... a second gun was being fired ... concurrently with the firing of the Sirhan gun.... The fatal shot was fired (muzzle) from one to three inches from the Senator's head.

"The prosecution ... attempted to establish that the Sirhan gun, and no other, was involved in the assassination ... however ... the Sirhan gun ... was never identified scientifically as having fired any of the bullets removed from any of the victims ... it has not been connected by microscopic examinations or other scientific testing to the actual shooting."

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Q. O. R. Lamb

Harper offered the very simple finding that ballistic examination of two of the bullets shows that they "could not have been fired from the same gun" as his "independent proof that two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting."

Busch has ignored these simple facts since last summer's neat sidestep and whitewash, but he may not be able to ignore them much longer. The Republican DA, Evelle Younger's handpicked successor, says he is satisfied with the way his office operates.

Deputy DA Vincent Bugliosi says he is not satisfied. Bugliosi, a Democrat, announced that he is running against his boss on the promise of better prosecution and a higher conviction rate. He has not been heard from yet on the Kennedy assassination issue.

Marge Buckley, who led Peace and Freedom's 1970 ticket by getting 175,000 votes in her campaign for state Attorney General, has announced that she will run for DA. Buckley attended Charach's press conference Friday and said that reopening the Kennedy investigation will be part of her program for a general housecleaning.

"The District Attorney's Office is one of the most important jobs that we have. I think one of my first jobs would be to investigate the prosecution of the person accused of assassinating Senator Kennedy. I would have to look at what the police and county government did in that case.

"I would have to look at how they tried to pillory Coroner Thomas Noguchi in an attempt to discredit him. When he was on the stand during the Sirhan trial the District Attorney asked Dr. Noguchi only very general questions. Judging from the implications of his autopsy findings, I think there is a great deal to investigate here."

(Mount Clipping in Space Below)

~~KPFK~~ broadcast brings out new material

Did Sirhan kill Kennedy? Was there a 2nd gunman?

ART KUNKIN

Last week the mystery surrounding the assassination of Robert Kennedy in Los Angeles was once again in the public eye with the broadcasting by radio station KPFK of original interviews and material developed by Theodore Charach in his unrelenting probe of RFK's death for a film he is making on the subject.

As *Free Press* readers will remember, the controversy ultimately hinges around the question of whether Sirhan was the only one firing a gun in the pantry of the Ambassador Hotel. The Los Angeles police department and their experts issued a report presumably accounting for the eight bullets in Sirhan's gun. Critics, however, have pointed to the fact that photographs are in existence showing investigators removing bullets from areas of the pantry not listed in the police accounting for their eight bullets and along lines of fire not possible from Sirhan's position. In short, they say there were more than eight bullets fired, therefore more than one gunman.

Also the critics say that the investigation was badly bungled by police experts, evidence mishandled after the crime, and that Sirhan was not close enough to Kennedy or at the right angle to have fired the critical shots. Although the police have backed the opinions of their investigators, Charach has presented material from other criminalists which charges police criminalist DeWayne Wolfer of violations of procedure in investigating Kennedy's assassination.

This conflicting material consists of affidavits from criminalist William W. Harper (which the *Free Press* prints here for the first time anywhere), a letter from Marshall Houts, editor in chief of *Trauma Magazine*, a publication dealing with medicine, anatomy and surgery, to California Attorney General Evelle J. Younger, and an interview by Theodore Charach with Gene Caesar, a private guard at the scene of Kennedy's assassination who had his gun drawn and had the oppor-

tunity of firing it, although the official investigation somehow did not ask the questions which would have developed this material. When Caesar candidly answered Charach's questions revealing his right wing political stance and the fact that his gun was drawn, Caesar was obviously unaware that Charach was seeking to poke holes in the official attitude toward the assassination.

In statements broadcast last week over KPFK, in a program produced by Charles Waite, a person alleged to be Caesar and who speaks of his presence in the pantry as an Ace Guard states that Nixon is "trying to out-do Johnson ... I definitely wouldn't have voted for Bobby Kennedy, 'cause he had the same ideas as John did and I think John sold the country down the road. He gave it to the commies ... He literally gave it to the minority ... He says, 'Here, you take over ... I'm giving it to you, you run the white man.' ... One of these days, at the rate they're going, there's going to be civil war in this country ... It's going to be the white against the black, and the only thing I'd say is the black will never win."

This obviously right wing man with a gun was then asked by Charach the following question:

CHARACH: Now, let's clarify again this important point. You tell us you originally drew your gun after raising yourself from your fall. The LAPD report confirms you reached for your gun instantly. And the FBI reports say you are on the kitchen floor, scramble to your feet before drawing your gun. The true version

CAESAR: I had it out of my holster. I had it in my hand ... when the shots were fired I reached for my gun and that's when I got knocked down.

The letter from Marshall Houts to Attorney General Evelle Younger on June 26, 1971, says in part:

"Dear Ev:

This is an elaboration of our discussion last night at ... As indicated then, I have no personal in-

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H. J. Richards 2019

terest in this matter but do have a deep academic and professional interest over Wolfer's horrendous blunders in the past and those he will commit in the future if he continues on in his present assignment

I know all of the men who have stepped forward to speak in this present civil service proceeding. They are all men of great integrity and professional competence whose sole concern is in the elevating the field of criminalistics to a professional status The idea that these men who are national leaders in criminalistics are out to 'get' Wolfer because of motives of 'professional jealousy' is totally absurd. They are deeply grieved over his unconscionable antics since these bring discredit to their profession

Wolfer suffers from a great inferiority complex for which he compensates by giving the police exactly what they need to obtain a conviction. He casts objectivity to the winds and violates every basic tenet of forensic science and proof by becoming a crusading advocate. This is rationalized as being entirely legitimate since the accused is guilty anyway

I will not elaborate on the details of the three cases under consideration by the civil service board (Sirhan, Kirschke and Terry) other than to say that real experts of integrity who have examined portions or all of the evidence are appalled at what Wolfer did By all means, don't let a group of police 'experts' in firearms identification, who might be suggested to the civil service board by Wolfer, give Wolfer a coat of whitewash I'll be glad to run in and talk to you about these matters if you wish. If I can do anything else for you, please let me know. (Signed) Marsh."

Evidently the whitewash did happen and Charach is still pursuing this matter, bringing new evidence to the public, planning legal actions and a release of his film which will hopefully result in re-opening the official investigation of RFK's death. And no one should take this lightly because, as the *Los Angeles Times* noted last August 16 in a lengthy article on the possibility of a second gunman in the Sirhan case, "It is Charach who three years ago began the personal crusade that led to the present investigative tangle over what to most people had appeared to be an open and shut political murder case."

(Mount Clipping in Space Below)

Sworn affidavit by Criminalist Harper

I, WILLIAM W. HARPER, being first duly sworn, depose as follows:

1. I am a resident of the State of California and for approximately thirty-seven years have lived at 615 Prospect Boulevard in Pasadena, California.

2. I am now and for thirty-five years have been engaged in the field of consulting criminalistics.

3. My formal academic background includes studies at Columbia University, University of California at Los Angeles and California Institute of Technology where I spent four years, including studies in physics and mathematics with the major portion devoted to physics research.

4. My practical experience and positions held include seven years as consulting criminalist to the Pasadena Police Department where I was in charge of the Technical Laboratory engaging in the technical phases of police training and all technical field investigations including those involving firearms. I was, during World War II, for three years in charge of technical investigation for Naval Intelligence in the 11th Naval District, located at San Diego, California.

After my release from the Navy, I entered private practice as a consulting criminalist. Extending over a period of 35 years I have handled roughly 300 cases involving firearms in homicides, suicides and accidental shootings. I have testified as a consulting criminalist in both criminal and civil litigations and for both defense and prosecution in both State and Federal Courts. I have qualified as an expert in the courts of California, Washington, Oregon, Texas, Nevada, Arizona and Utah. I am a Fellow of the American Academy of Forensic Sciences.

5. During the past seven months I have made a careful review and study of the physical circumstances of the assassination of Senator Robert F. Kennedy in Los Angeles, California. In this connection I have examined the physical evidence introduced at the trial, including the Sirhan weapon, the bullets and shell cases. I have also studied the autopsy report, the autopsy photographs, and pertinent portions of the trial testimony.

6. Based on my background and training, upon my experience as a consulting criminalist, and my studies, examination and analysis of data related to the Robert F. Kennedy assassination, I have arrived at the following findings and opinions:

A. An analysis of the physical circumstances at the scene of the assassination discloses that Senator Kennedy was fired upon from two distinct firing positions while he was walking through the kitchen pantry at the Ambassador Hotel. *Firing Position A*, the position of Sirhan, was located directly in front of the Senator, with Sirhan face-to-face with the Senator. This position is well established by more than a dozen eyewitnesses. A second firing position, *Firing Position B*, is clearly established by the autopsy report. It was located in close proximity to the Senator, immediately to his right and rear. It was from this position that 4 (four) shots were fired, three of which entered the Senator's body. One of ~~these three shots made a fatal~~ penetration of the Senator's brain. A fourth shot passed through the right shoulder pad of the Senator's coat. These four shots from *Firing Position B* all produced powder residue patterns, indicating they were fired from a distance of only a few inches. They were closely grouped within a 12 inch circle.

In marked contrast, the shots from *Firing Position A* produced no powder residue patterns on the bodies or clothing of any of the surviving victims, all of whom were walking behind the Senator. These shots were widely dispersed.

Senator Kennedy received no frontal wounds. The three wounds suffered by him were fired from behind and he had entrance wounds in the posterior portions of his body.

B. It is evident that a strong conflict exists between the eyewitness accounts and the autopsy findings. This conflict is totally irreconcilable with the hypothesis that only Sirhan's gun was involved in the assassination. The conflict can be eliminated if we consider that a second gun was being fired from *Firing Position B* concurrently with the firing of the Sirhan gun from *Firing Position A*. It is self-evident that within the brief period of the shooting (roughly 15 seconds) Sirhan could not have been in both firing positions at the same time.

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No eyewitnesses saw Sirhan at any position other than *Firing Position A*, where he was quickly restrained by citizens present at that time and place.

C. It is my opinion that these circumstances, in conjunction with the autopsy report (without for the moment considering additional evidence), firmly establish that two guns were being fired in the kitchen pantry concurrently.

D. There is no reasonable likelihood that the shots from *Firing Position B* could have been fired by a person attempting to stop Sirhan. This is because the person shooting from *Firing Position B* was in almost direct body contact with the Senator. This person could have seen where his shots would strike the Senator, since the fatal shot was fired (muzzle) from one to three inches from the Senator's head. Had Sirhan been the intended target, the person shooting would have extended his arm beyond the Senator and fired directly at Sirhan. Furthermore, two of the shots from *Firing Position B* were steeply upward; one shot actually penetrating the ceiling overhead.

E. The police appear to have concluded that a total of eight shots were fired with seven bullets accounted for and one bullet unrecovered. This apparent conclusion fails to take into account that their evidence shows that a fourth shot from *Firing Position B* went through the right shoulder pad of the Senator's coat from back to front. This shot was fired from a distance of approximately one inch according to the testimony. It could not have been the shot which struck Victim Paul Schrade in the forehead since Schrade was behind the Senator and traveling in the same direction. The bullet producing this hole in the shoulder pad from back to front could not have returned by ricochet or otherwise to strike Schrade in the forehead. This fourth shot from *Firing Position B* would indicate 9 (nine) shots were fired, with two bullets unrecovered. This indication provides an additional basis for the contention that two guns were involved, since the Sirhan gun could have fired only 8 (eight) shots.

F. The prosecution testimony attempted to establish that the Sirhan gun, and no other, was involved in the assassination. It is a fact, however, that the only gun actually

linked scientifically with the shooting is a second gun, not the Sirhan gun. The serial number of the Sirhan gun is No. H53725. The serial number of the second gun is No. H18602. It is also an Iver Johnson 22 cal. cadet. The expert testimony, based on matching the three test bullets of Exhibit 55 in a comparison microscope to three of the evidence bullets (Exhibit 47 removed from the Senator, Exhibit 52 removed from Goldstein and Exhibit 54 removed from Weisel) concluded that the three evidence bullets were fired from the same gun that fired the three test bullets of Exhibit 55. The physical evidence shows that the gun that fired the three test bullets was gun No. H18602, not the Sirhan gun. Thus, the only gun placed at the scene by scientific evidence is gun No. H18602. Sirhan's gun was taken from him by citizens at the scene. I have no information regarding the background history of gun No. H18602 nor how the police came into possession of it.

G. No test bullets recovered from the Sirhan gun are in evidence. This gun was never identified scientifically as having fired any of the bullets removed from any of the victims. Other than the apparent self-evident fact that gun No. H53725 was forcibly removed from Sirhan at the scene, it has not been connected by microscopic examinations or other scientific testing to the actual shooting.

H. The only reasonable conclusion from the evidence developed by the police, in spite of their protestations to the contrary, is that two guns were being fired in the kitchen pantry of the Ambassador Hotel at the time of the shooting of Senator Kennedy.

I. From the general circumstances of the shooting the only reasonable assumption is that the bullet removed from victim Weisel was in fact fired from the Sirhan gun. This bullet is in near perfect condition. I have, therefore, chosen it as a "test" bullet from the Sirhan gun and compared it with the bullet removed from the Senator's neck. The bullet removed from the Senator's neck, Exhibit 47, was one of those fired from *Firing Position B*, while the bullet removed from Weisel, Exhibit 54, was one of those fired from *Firing Position A*, the

position of Sirhan. My examinations disclosed no individual characteristics establishing that Exhibit 47 and Exhibit 54 had been fired by the same gun. In fact, my examinations disclosed that bullet Exhibit 47 has a rifling angle approximately 23 minutes (14%) greater than the rifling angle of bullet Exhibit 54. It is, therefore, my opinion that bullets 47 and 54 could not have been fired from the same gun.

The above finding stands as independent proof that two guns were being fired concurrently in the kitchen pantry of the Ambassador Hotel at the time of the shooting.

J. The conclusions I have arrived at based upon my findings are as follows:

(1) Two 22 calibre guns were involved in the assassination.

(2) Senator Kennedy was killed by one of the shots fired from *Firing Position B*, fired by a second gunman.

(3) The five surviving victims were wounded by Sirhan shooting

from *Firing Position A*.

(4) It is extremely unlikely that any of the bullets fired by the Sirhan gun ever struck the body of Senator Kennedy.

(5) It is also unlikely that the shooting of the Senator could have accidentally resulted from an attempt to shoot Sirhan.

Dated: December 28, 1970.

William W. Harper
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On this day of December, 1970, before me appeared, personally, WILLIAM W. HARPER, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Notary Public in and for
said County and State.
(Seal)

Notes on People Vs Sirhan

Assume that Sirhan had escaped from the scene of the Kennedy assassination with the gun without being seen by any eye witnesses. Assume also that the autopsy and medical reports and other physical evidence were the same as we find them today. What effect would these circumstances have had on the investigation? Would the police have been searching for one assassin or for two?

Upon completion of the autopsy it would have been immediately evident that the Senator had been fired on by some gunman in close proximity to him and to his right and rear.

It was also apparent at this time, or very shortly thereafter, that the five additional victims were following the Senator and to his rear. Had the gunman, after shooting the Senator, turned to his left and fired apparently indiscriminately into the crowd of his followers. If so, why?

The Senator was the "target" victim. The shooting of the additional victims would certainly have to be considered as accidental. No one could reasonably believe that Schrade, Stroll, Goldstein, Evans and Weisel had been deliberately chosen for elimination as well as the Senator. The trajectories of the shots wounding these accidental victims necessarily came from a position ahead of the Senator, not from behind him.

These circumstances would suggest to any experienced homicide detective, as well as to any criminalist, that two guns were involved and two gunmen had to be tracked down.

Multiple-gun shootings are not a rarity in police work. When bullets of different calibers are removed from victims and/or found at the crime scene, it is obvious that more than one gun is involved. When all recovered bullets are the same caliber the conclusion that a single gun is involved must not be hurriedly reached.

The capture of Sirhan with his gun at the scene resulted in a total mesmerization of the investigative efforts. The fact that all recovered evidence bullets were the same caliber further contributed to the general euphoria. The well established teachings of criminalistics and forensic pathology were cast aside and by-passed in favor of a more expedient solution and, unfortunately, an erroneous oversimplification.

January 1, 1971

William W. Harper

(Mount Clipping in Space Below)

ABOUT THIS ISSUE

In his article beginning on page 6, Robert Blair Kaiser introduces us to that curious breed of sleuths who have devoted enormous energy to searching for a conspiracy in the deaths of JFK, RFK and Martin Luther King. Kaiser should know, for he himself was a member of the obsessed tribe. In preparing his celebrated book "RFK Must Die!" he revised his last chapter "to mobilize the public to do something, since the FBI, CIA and other agencies had dragged their feet." His article recounts how, after E. P. Dutton published his book in October of 1970, Kaiser did "my junior G-man thing, trying to find a conspiracy myself to explain what Sirhan did." His hopes have since been dashed, but even today a peculiar glint shines in his eyes when he discusses his long and futile hunt for evidence of a conspiracy. Kaiser was particularly drawn to the case because of his personal admiration for Bobby Kennedy. They had first met during the 1960 Presidential race; the place was Phoenix where, he recalls, Bobby breezed into town as his older brother's "brash young campaign manager." Kaiser was then a newspaper reporter, having dropped plans to enter the Jesuit priesthood after 10 years of study. Clare Boothe Luce admired his work and introduced him to her husband; in due course Kaiser began a five-year stint with *Time* during which, while stationed in Rome, he won the Overseas Press Club's 1963 award for the best magazine reporting on foreign affairs. After quitting *Time* in 1966, he went to work on Tom Braden's campaign for lieutenant governor and got thick with "the Kennedy crowd." By 1968 he was a free-lance writer (Kaiser has contributed not only to *West* but to the *Ladies Home Journal*, *Playboy* "and everything in between"), and the morning after RFK's assassination *Life* assigned him to the Sirhan story. When his book came out two years later, he sent copies to such Kennedy stalwarts as Arthur Schlesinger, Pierre Salinger and Teddy White, all of whom "either sent it back or let me know they wouldn't read it. The title was too gruesome for them, and the whole memory caused too much pain." Kaiser believes that much of the public has similarly repressed RFK's death and that this, in part, explains the modest sales of "RFK Must Die!" (If alive, Kaiser thinks, RFK would now be President.) When he submitted his present article to *West*, what principally intrigued us was the ambiguous self-portrait the author had drawn. On the one hand, he described himself as at last freed from his obsessive belief that a conspiracy was involved; on the other hand, he could become a true believer all over again if even a minimum of evidence were to appear — or so we inferred from what he wrote. When we asked him about this apparent ambiguity, Kaiser agreed with the interpretation. "In the RFK killing," he said, "I was never able to prove a conspiracy, but I still think someone else may eventually be able to do that." As he spoke, the glint in his eye became a gleam.

(Indicate page, name of newspaper, city and state.)

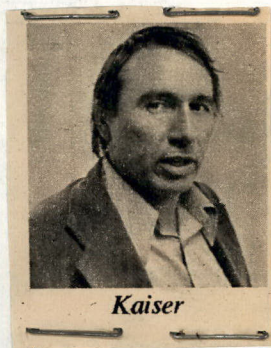
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(Mount Clipping in Space Below)

JOURNEY THROUGH THE KILLING GROUND

The author of 'RFK Must Die!' returns to reality

BY ROBERT BLAIR KAISER

"This is an obsession. And happy, typical Americans aren't obsessed. Jack Armstrong isn't obsessed. There's a fantastic way in which the assassination becomes a religious event. There are relics and scriptures and even a holy scene—the killing ground. People make pilgrimages to it. And, as in any religious event, what happened there isn't clear, it's ambiguous, surrounded by mystery, uncertain, dubious. I think there is a feeling with some of us that it has to be clarified. It's the symbolic status of it that's important. Somehow, one hopes to clarify one's own situation and one's own society by clarifying this"

Josiah Thompson, assassination buff

first remember reading about the assassination buffs in a thoughtful piece in *The New Yorker* by Calvin Trillin. Trillin had scared me. He made it clear that the buffs—an underground network in obsessive pursuit of "the co-conspirators at Dallas"—threatened to consume themselves in a quest that was destined to end in doubt. Essentially, the buffs were hobbyists. In other, less troubled times, they might have collected stamps and read Agatha Christie. Now they were wrapped in a real game which, they fantasized, could get them killed. An exciting game for an exciting age.

At first the buffs worked in isolation, building their own research libraries, exhibits, mock-ups and blowups. Then they learned of one another's existence, began to compare notes, to canonize their own heroes, vilify their own villains. With the assassinations of Martin Luther King and Robert Francis Kennedy, their numbers would increase. They would set up their own dues-paying organization, the national Committee To Investigate Assassinations, and produce a newsletter flagged with a provocative question next to its metered postmark.

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"Who Is Killing Our Leaders?"

Like the buffs, I, too, found it hard to believe that Oswald had acted alone, that he had changed the course of history because he had an argument with his life over a lousy washing machine. I refused to think life was that absurd. Somehow, it would be less absurd if Oswald were part of a Plan, anybody's Plan. But I was a Jack Armstrong. No obsessions for me. Let the authorities handle the case.

I made my resolve back in 1967, when, after five years with *Time*, I was building a new family and a new career as a writer with a name. I had a two-novel contract with New American Library, I had a free-lance contract with *Look*, I had made a beginning, to boot, in television news.

One year later, after the assassination of Senator Robert Kennedy in Los Angeles, where I lived, I put all that life aside and chose death. In Josiah Thompson's metaphor, I made a journey to the killing ground, collected the relics, pored over the scriptures. In the metaphor of my native Arizona, I chose the conspiracy trail and rode it as far as I could and found that it led nowhere; as in the Black Mountain area of the Navajo Indian Reservation, I found box canyons within box canyons within box canyons. I met a good many quaint characters along the way, most of them quaint enough to be certifiably crazy. But at the end of the trail there was nothing: no waterfall, no Indian maidens, no mother lode. And there was no way out, except the way I had come, back over my own tracks, wishing I had something to show for my trouble other than an empty canteen, squinting curiously again at the crazies I had met on the way in, wondering at myself for ever having begun the journey at all.

This is the story of my journey, of my ride in and my ride out and what I learned from it all. It is a piece of self-revelation hardly calculated to make me look like a hero. Okay. I don't want to be a hero—any more—just accepted as a member of the human race, sometimes wise, sometimes foolish, sometimes weak, sometimes strong, almost always curious, often a damn fool.

June 1968. Los Angeles. Another Kennedy killed. "God, not again!" Anguish. But a reportorial challenge. I found a way of getting to the assassin and I took it. For all my reservations about the assassination buffs, I wanted to know more, more than I thought the officials would tell. Would I become a buff? Hell, no. I was just a curious reporter in search of the facts, all the facts. Maybe I'd even learn something close to the total truth.

So I talked with the assassin. I talked to him two or three times a week for seven months. I went into his cell with his psychiatrists. I tape-recorded his sessions with them, even his sessions under hypnosis. I found that the assassin, Sirhan Sirhan, could not remember killing Kennedy, that his declared motives for doing so didn't make sense, that he was evasive about his associations during May and June of 1968, that he was inordinately curious to know what certain of his friends had told the FBI. I judged that he was covering up for others, including a girl who was with him in the Ambassador Hotel, and I couldn't dismiss the evidence of the notebook discovered in his room: it was full of jottings indicating he associated the killing of Kennedy with a payment (or a promise of a payment) of money to himself.

Neither the Federal Bureau of Investigation nor the Los Angeles police were allowed to talk with the assassin, but they produced thousands of pages of reports on their reconstruction of the events at the Ambassador Hotel and on the persons they thought might shed some light on the case. They ended up with the same uncertain verdict as I. Privately, they were inclined to agree with Sirhan's own judgment (expressed twice to me in moments

of unusual bluster) that the FBI had done "a lousy job of investigation." Publicly, they said there was "no conspiracy."

And so, when I had finished my research, I could not say I had gotten absolute answers. (That depressed me more than it should have. After you've learned the multiplication tables, do you ever attain absolute anything? Absolute truth, absolute justice, absolute love, absolute freedom?) But I had collected every available piece of data on the case and I had a duty, I thought, to set it all down in a coherent narrative history. I began writing what turned out to be a 634-page book called (ghastly title, a quote from the assassin's incriminating notebook) "*R.F.K. Must Die!*"

That's when I should have quit—when the book was finished. I made one stab at doing so; I tried to turn over my suspicions to J. Edgar Hoover:

... I wonder what your investigators think [I wrote to Hoover] about certain clues which point toward a conspiracy. I am not entirely convinced that Sirhan wasn't put up to this by somebody else and I have a few good reasons why I think so. Since I have talked to Sirhan and your people didn't, I assume my reasons might bear some examination.

But Hoover didn't want to hear them. I could hardly believe that. The vaunted FBI didn't want to

That made me mad. Maddened, I would go off on a bad trip, my conspiracy trip.

For some time, I had resisted the blandishments of some West Coast assassination buffs—Pete Noyes, Fernando Faura, Jonn Christian, Bill Turner—even though they were newsmen with a professional “license” to be curious. Now I started comparing notes with them, urging them to travel certain avenues of investigation with me traveling theirs. I was getting obsessed with the idea that if the FBI wouldn’t carry this on, I would, that I could (with a little help from my friends) do what several hundred agents of the FBI and the Los Angeles Police Department could not do.

I took trips to a ranch near Corona, California, where Sirhan worked as an exercise boy. I interviewed friends of Sirhan whom he had tried to cover for. I poked into the privacy of some persons who, I fantasized, might have me killed. Once, before I interviewed a racetrack character in northern California, I visited the local sheriff’s office, identified myself and said, “If I don’t come back in two hours, you’d better come in with your sirens on.” On the eve of my book’s publication, I talked with Sheriff Peter Pitchess of L.A. and asked him to put a watch on my own home. He did, and when the deputies began making their rounds, flashing their spotlights into the house in the dead of night, my wife began to freeze with fear. She had special locks put on all the windows and doors.

Was I going beyond the bounds? In retrospect, I must say yes. I had forgotten, I guess, the injunction I used to hear on radio’s old “Gangbusters.” The announcer, I recall, used to read a list of the FBI’s most wanted criminals and tell all of us 10-year-olds in the listening audience: “If you see any of these criminals, under no circumstances attempt to apprehend him yourself. Call your local FBI.”

I was going too far in another sense, beyond my own standards of integrity. Balked by Hoover, I could have called quietly on other officials and given them my leads. Instead, I added a bit to the last chapter of my book to call for a reopening of the case. It was a play designed to draw attention from the fans in the bleacher seats. I think I did it in the great hope it would hurt J. Edgar Hoover (whose arrogance and unaccountability I resented) and in the small hope that the media attention would stimulate sales on a book that had already put me in a financial hole.

As it turned out, the public ho-hummed about “another conspiracy theory” (often failing to distinguish between the assassinations of JFK and RFK), and Hoover made only one counterattack on me (he implied that I had manufactured quotes from a Los Angeles FBI agent who, in fact, told me the case was still open) which the press ignored.

There was no public outcry and, with huge legal fees to pay after a suit by Sirhan to stop my book (because I wouldn’t let him censor it), I have yet to make a nickel on “*R.F.K. Must Die!*”

The assassination buffs, however, loved me. That was something, but it was, I soon found, a love I could have done without. I traveled the country, doing the standard promotional bits expected of most authors these days, and the buffs would gather around. Some of them were fascinating, brilliant people, like a man I shall here call John Nelson of Dallas. In Dallas, Nelson took me to the killing ground, showed me all the famous points of reference: Lee Oswald’s back yard, Jack Ruby’s apartment, the spot where Officer Tippitt was shot, General Walker’s living room window. And then he took me to his penthouse apartment.

Nelson’s study was filled with card files and notebooks cataloging the most intimate, cross-indexed histories of more than 5,000 persons connected in the slightest way with the scenario at Dallas. Nelson had been near Dealey Plaza when the President was shot, he had a camera with him, he rushed over and started taking pictures. That started him on his own private inquiry, for he was saddened that such a thing should happen in his beloved Dallas and puzzled that the authorities couldn’t get to the bottom of it all. I was impressed with Nelson’s collection, in much the same way, I guess, I would be impressed with a man’s collection of butterflies, or matchbooks. But here I began to wonder. This was a serious game he was playing and what was the use?

Nelson’s shoulders seemed perpetually slumped, as if in defeat, and he was still comparatively young. The hours he’d expended to compile that mountain of data must have taken a toll on himself and, I guessed, on his business and on his family. I couldn’t see that his investigation had gotten him close to Oswald’s co-conspirators, and I found no names in his file on the JFK assassination corresponding to any of the names I had been collecting on the assassination of RFK. Yet Nelson told me he was afraid of reprisals against him and/or his family. He extracted a promise from me never to mention his name.

Other buffs embraced me. In New York, I met Paris Flammonde, the author of a book on the John Kennedy assassination, a bearded fellow blessed with an apparently total recall of every fact ever written about JFK and Dallas. Flammonde arranged a dinner for me with Bernard (Bud) Fensterwald, a Washington lawyer currently defending

James Earl Ray who served, in his spare time, as the executive director of the Committee To Investigate Assassinations, and, later, with Richard Sprague, an aerospace engineer from Hartsdale, New York, also a board member of the CTIA.

These people represented, as far as I could tell, the best of the buffs. They were, in general, a suspicious lot, but they had a healthy respect for facts and a contempt for buffs (like Mark Lane) who cheated, and I was tempted to join their ranks. I was lonely out there on the conspiracy trail.

The mail I received didn't make me feel any less lonely. Each weekend, on my return home to California, I would find a small pile of letters from other buffs. A woman from New York claimed in a se-

The real mystery is why conspiracy theories appeal to us

ries of notes that Sirhan was part of a plot by British Israelis who were really Freemasons. A woman from Ohio sent me a manuscript detailing the Rosicrucian - CIA - FBI - right wing - military-industrial plot to kill RFK. And a wealthy lawyer from Oklahoma who had read all 26 volumes of the Warren Report wanted to finance further research (to be directed by me) on his theory that both Kennedys were the victims of a plot hatched by the Red Chinese.

I got at least a dozen communications from persons who were living in the expectation of imminent death because they "knew too much" about one or another of the assassinations.

One day, a man who will be known here as Jim Hall phoned me from Phoenix. Hall said he knew the man behind Sirhan. He'd seen the man's name in Sirhan's notebook (which I had reproduced in my appendix): "Stokeley." Maybe, I said to myself, this is the break I've been looking for. No one had known the "Stokeley" scribbled in Sirhan's notebook and Hall sounded like a sober, intelligent fellow. I made arrangements to meet him in Phoenix on my next trip east. Hall turned out to be obsessed with injustice. He said he'd been done in pretty badly by a group in Texas, one of them a man named Stokeley. Therefore, said Hall, Stokeley and his friends *must* have had something to do with the killing of both Kennedys. No other evidence. But Hall had put all of his paranoia on paper, in a small mimeographed book. Maybe I could help him sell it?

In the last chapter of my book, I had propounded—very tentatively—the theory that Sirhan may have been programmed through hypnosis to kill RFK and programmed to forget that he had been programmed. I elaborated the theory to help explain some unexplained bits of evidence: the repeated assertions in Sirhan's notebook that "RFK must die" as if he were repeating instructions from another; his extreme susceptibility to hypnosis; his blocking and locking whenever, under hypnosis, he was asked about his involvement with others; his unusual, almost trance-like behavior on the night of the assassination.

Using that theory as a road map took me into one box canyon after another. Since Sirhan had played around with the occult and had scribbled in his notebook mysterious notations about black magic, the Illuminati and the Master Kuthumi, I plunged, with some local buffs, into a study of California's occultists. We didn't find the Master Kuthumi, but there are certain local buffs still out there on the conspiracy trail, sincerely looking for him. That may be harmless enough.

Not so harmless is another buff named Theo-

dore Charach (pronounced sha-RACK), who has been trying for years to make it big in Hollywood and believes he is now on the verge of scoring with a film documentary which, he says, "breaks the case wide open." I first encountered Charach on my way up the conspiracy trail. He seemed determined to prove conspiracy no matter what the fact.

Charach proceeded in his research from a false premise: that Sirhan met Robert Kennedy face to face in the pantry and never got closer than two feet—and therefore couldn't have shot Kennedy behind the right ear.

Charach didn't know (or didn't care) about abundant testimony from others that Sirhan approached Kennedy from behind. It didn't fit his theory: if Sirhan was facing Kennedy and Kennedy was shot in the right mastoid, then Sirhan didn't shoot Kennedy, someone else did. JFK assassination buffs, who generally believe the President was caught in a cross fire at Dallas, liked that idea.

Who, then, was the other gunman? In the office of his attorney, Godfrey Isaacs, Charach told me it must have been a security guard hired for the night by the hotel. His name: Thane Eugene Cesar. Why Cesar? Because, it was in the official records, Cesar had drawn his gun in the pantry immediately after the shooting. He had admitted that he was behind Kennedy when Sirhan opened fire. Maybe, reasoned Charach, Cesar took advantage of the moment to kill Kennedy himself. But why? Charach interviewed Cesar and found that Cesar had voted for George Wallace. That did it. Logically, to Charach, anyone who voted for George Wallace had a motive to kill Senator Kennedy.

But did Cesar shoot Kennedy? No. The identifiable bullets recovered from pantry victims were all shot from a .22. Cesar had a .38 with him in the pantry. And, like everyone else in the pantry, he was startled and afraid when the shooting started. He fell to the floor, and stayed there until the shooting had stopped. Then he rose, pulled his gun and moved to Kennedy's side, "to protect the senator from further attack." With disgust, Bill Barry, Kennedy's aide, told Cesar, "Put the gun away. It's too late." It was all in the official reports of the police and the FBI, which were placed in evidence after the trial. And no one had seen anyone else shooting in the pantry.

Well, almost no one. Charach had some tape recordings, among them an interview given on the night of the shooting to reporter Ruth Ashton Taylor of KNXT, Channel 2 by a young man named Donald Schulman, a news runner for KNXT. Though Schulman's recollection was "fuzzy" he told Ruth Taylor he'd seen security men shooting back at the assassin.

I wondered what Schulman had actually seen or if he was even in the pantry. He wasn't on the police list of persons in the pantry. I guessed that Schulman was simply repeating some of the rumors that were flashing through the crowd that night at the Ambassador. One rumor: that the men who first jumped the assailant were Roosevelt Grier and Rafer Johnson. Another, that the assailant was a man named Jesse Grier. Another, that Kennedy was all right, that he was only shot in the knee. Another, that a security guard had shot the assassin dead. All of these stories were carried by UPI and reported on L.A. radio and T.V.—all were false.

So I dismissed Charach and his prize witness, Schulman. So, also, in the summer of 1970, did most of the newsmen of L.A. except for the editors of the *Los Angeles Free Press*. The only thing difficult to understand: why Cesar didn't sue Charach for libel. ("I didn't sue," Cesar told me recently in an interview, "because Charach doesn't have any money and suing to clear my name isn't worth the money it would cost to sue.")

Cut to the summer of 1971. I am coming off my conspiracy trip. I meet Charach once again and now he has not only his audio tapes but an hour-long documentary film, in color, which Charach says "proves" his theory of a cross fire in the pantry. Now here is the maître d', Karl Uecker, florid of face, babbling away about his moment of glory, insisting he stopped Sirhan well short of Kennedy. Here is a shot of a whirling tape recorder playing Cesar's words, out of context: in his interview with Charach, Cesar had told Charach he had a .38 revolver in the pantry, but, under prodding, described a .22 pistol he'd once owned, but sold in February 1968, before the assassination of RFK. Now in the movie, after judicious cutting and splicing, Cesar's voice appears to be describing the .22 he had in the pantry. Here is Schulman being interviewed by Charach on the Ambassador Hotel green. He is no longer "fuzzy," he's an expert eyewitness.

In fact, Schulman was not in the pantry at the time of the shooting. He was in the crowd back in the Embassy Room, where Kennedy had just spoken, standing next to Dick Gaither of KNXT and Frank Raciti, now a film editor at KNXT.

Charach has another star witness with more serious credentials. He is a veteran ballistics expert from Pasadena named William W. Harper. Under Charach's urging, Harper had visited the County Clerk's office and examined the evidence bullets from the Sirhan trial. Two of the bullets, Charach said he said, didn't match.

Apparent corroboration, therefore, of Charach's ~~two-gun~~ theory. Two bullets that didn't match. Therefore, two different guns banging away in the pantry. Where was the other gun? Charach said the police had destroyed it, but he had evidence of its existence in the trial exhibits. It was a gun with the serial number H18602 and its number was written right across people's exhibit 55 which contained three test bullets, supposedly fired from Sirhan's gun. According to LAPD criminalist DeWayne Wolfer, those three bullets matched those taken from victims in the Ambassador pantry. But the serial number of Sirhan's gun was H53725 and the serial number on the jacket of exhibit 55 was H18602.

Wow! According to that "evidence," the pantry victims were not shot by Sirhan's gun but by another gun. The implications of that were absurd. Gun number H18602 was a test gun, also an Iver-Johnson .22, which the police used for powder burn and decibel readings. The police had this gun on the night of the assassination. They had taken it on March 18, 1967, from a young man named Jake Williams and kept it in property until June, 1968. Wolfer used that gun for his test and wrote down its serial number by mistake, a stupid mistake, but nothing more than a clerical error.

What about Harper's conclusions? I went to Harper. Harper said he wasn't sure. He'd compared those two bullets to each other (but *not* to the test bullets in exhibit 55) by means of photographic blowups. He said he'd rather have the opportunity to do some further studies, to use a comparison microscope and compare those bullets to the test bullets in exhibit 55 and to a new set of test bullets taken from a new test firing of Sirhan's gun. Then, he said, he could make a final judgment.

All together, then, Charach's "evidence" is nonexistent, flimsy or uncertain. With it, however, he is able to produce (and finance!) a movie. And more. With it, he persuades the Sirhan family to dismiss their appeals lawyer, Luke McKissack, and hire Charach's own attorney, Isaacs. He hopes that on the basis of Charach's evidence he can get a new trial for Sirhan.

Sad to say, the court system in California may have to spend yet more time adjudicating this baseless claim: In fact, the state has already spent time

and money doing so. District Attorney Joseph Busch ordered an inquiry into the substance of Charach's assertions. His investigators found none. Privately, they gave Wolfer bad marks for bad bookkeeping and Cesar all the sympathy they could muster for the bum rap of the year, if not the decade—for Cesar didn't shoot Kennedy, and he wasn't a right wing radical, as Charach claimed, but simply a plumber and part-time security guard who had voted for George Wallace and once contributed \$3 to the Wallace campaign.

The D.A.'s investigators also found pretty poor security in the County Clerk's office; and a county grand jury gave the clerk a public reprimand for his "misfeasance in office." Almost anybody, it

At least 12 people lived in fear because they 'knew too much'

seems, could have gotten to certain trial exhibits and done almost anything to them, even, perhaps, to the evidence bullets themselves.

Eventually, if the popular wisdom persists in impeaching the integrity of the official ballistics examinations, officials will do some new tests of Sirhan's gun and compare the slugs to the bullets in evidence. By then, of course, the buffs will be off on some new track. And the conspiracy trip will go on.

But not for me. I am off that trip now. I don't know whether there is a conspiracy or not. I never did *know*, but I thought that some day I might. Anyway, I am tired of dealing with death. I'd like to start living again in the present.

And the people I meet in the ranks of the buffs depress me. I encountered a brace of buffs recently, waiting to testify before the grand jury. All of us had been called because our names had appeared on the clerk's records as viewers of Sirhan trial exhibits. I saw that one of the buffs was carrying a copy of my book, and I was pleased—until the young man started talking to me. Then I realized he was crazy. Charach was there, chortling at his success in getting a part of the case reopened and boasting that he "got the case for Godfrey Isaac." Other buffs assaulted me with "new facts" which weren't facts at all but conjectures and imaginings calculated to feed their bias against "the system." I couldn't see that their hobby was doing them any good at all, maybe a good deal of harm.

I still get mail from buffs and potential buffs. There is an honest, hard-working fellow from Detroit named Harry Kruk, who is yearning to de-program a hypno-conditioned Sirhan (or see that some other expert does so). Kruk's hobby is hypnosis, and he can demonstrate, he says, that almost anyone can be programmed to do anything.

Bud Fensterwald, a man of heart and wit, keeps in touch. I have refused to become a member of the board of the CTIA, but he keeps writing and phoning and asking me to check up on obscure persons and movements which the underground network suspects of perfidy. I had lunch with Fensterwald not long ago in Los Angeles while he detailed some "new leads," then accompanied him to the headquarters of the Scientology movement in L.A. where we wasted two hours seeking information about a strange new Satanist cult called The Process.

When I am not being a died-in-the-wool, full blown, damn fool, paranoid assassination buff, however, I hold no hopes that I will ever "solve" the mysteries of either assassination. Deep down, maybe, I still hope that someone can put the pieces together and, bigger job, prove it all in a court of

law. But I don't think I'll be able to do it. The best I can hope for is to understand how it was that I ever believed I could, and why I thought I needed to do so.

This could be an adventure in the exploration of inner space, one that would lead me into the labyrinthine ways of my own psyche where I could palpate my primitive need to have explanations for the unexplainable, even if the explanations must be cast in the form of myth and legend. In my youth, I met these needs by immersing myself in the rationalistic mysticism of the Jesuit Order. When I left the Order some 13 years ago, I thought I had outgrown the need. Now I am not so sure: the hunger for meaning is still there; the chaos of the '60s and the '70s only intensifies the emptiness inside. Either I learn to live with chaos or I manufacture new myths.

This is nothing new. The Roman poet Virgil presented us with an elaborate analysis of our own myth-making propensities in a long passage of the *Aeneid* personifying Dame Rumor. But modern scholars (with the minor exception of Gordon Allport in his thin study on *The Psychology of Rumor*) have paid far too little attention to these weird workings within many of us.

I do not believe I have been alone in my needs. Gallup polls continue to reflect a general, even majority belief that there was a conspiracy to assassinate two Kennedys and a King, and the popular song, "Has Anybody Here Seen My Friend John?" only serves to underline the general acceptance of a legend which, if anything, is still growing among us.

Those who have a hard time living with chaos refuse to accept the judgement that Oswald and Ray and Sirhan were "just crazy." And so, undeterred by lack of any evidence that would stand up in a court of law, they concoct fantasies out of the available facts, and/or their pet hatreds and fears at a time in history when there is a bull market in both. Thus, the plot is either left wing or it is right wing, big business or Mafia, the CIA, the FBI or the Pentagon, Zionist, Third World, the occult or, even, Getty, Onassis, Johnson, the Kennedy family itself, the Catholic Church, the Masonic Order. Everyone, it seems, has his own favorite co-conspirators; some manage to combine many or all in a plot that becomes rather vast.

Before one smirks and begins to feel superior to these simpletons, he had better examine his own deepest feelings. Glenn Akers, a student of contemporary folklore in Los Angeles, found one or another of these "co-conspirators" I just mentioned above lurking under the surface consciousness of all of the respondents he polled recently regarding the assassination of John Kennedy. He did his research in a sample of students, faculty and staff at San Fernando Valley State College. And some of his respondents expressed belief in another Kennedy legend: 42 percent of those polled by Akers have heard the story that John Kennedy is still alive and believe that the legend has some plausibility.

I don't think it does any good to call such beliefs "sick" in order to dismiss them. Such belief may, in fact, be a kind of emergency therapy, self-applied. Belief in a legend that Kennedy is still alive may help assuage the folk where they hurt the most, and half belief in a conspiracy may provide temporary answers where no answers exist.

In fact, as I explore my own inner space (a grueling affair), I am sometimes tempted to go back to that search for the easier answer, the whole conspiracy thing. If Fensterwald phoned me tomorrow and asked me to meet him at midnight in the middle of a swamp 14 miles outside Pascagoula, Mississippi, I'd probably grab my trenchcoat and catch the next jet headed south.

(Mount Clipping in Space Below)



Age, name of
city and state.)

Angeles Times
angeles, Calif.

A HAPPY MOTHER—Mary Sirhan, mother of Sirhan Sirhan, convicted slayer of Sen. Robert F. Kennedy, smiles broadly after the state Supreme

Court ruled the death penalty unconstitutional. /19/72
Her son is on San Quentin's Death Row. With Saturday Final
Mrs. Sirhan is son's attorney, Luke McKissack.

Editor:

Title:

Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-1524-930

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SERIALIZED	FILED
FEB 22 1972	
FBI - LOS ANGELES	

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STATE'S TOP COURT IN SIRHAN REVIEW

Arguments on the constitutionality of Sirhan Sirhan's conviction for the murder of Robert F. Kennedy will be heard this week by members of the California Supreme Court who today began a four-day session here.

The Sirhan case will be heard on Friday. The defense is contending the conviction should be reversed because certain evidence was improperly admitted during the trial.

Among the contested evidence was a notebook in which Sirhan wrote random thoughts, including his desire to see Kennedy slain.

The defense alleges that the notebook, which it says is evidence of a "speculative and inflammatory nature," should have been excluded because it was seized without a search warrant, in violation of rights under the Fourth Amendment to the Constitution.

Sirhan's brother, Adel, had granted officers permission to search Sirhan's bedroom the day after the slaying. The notebook was found during this search.

The Supreme Court session began with oral arguments in the matter of a liquor license application in Isla Vista. No licenses ever have been granted in that university-oriented community of 10,000, located near Santa Barbara.

The high court jurists will decide if there was an abuse of discretion by the Alcoholic Beverage Control Appeal Board in denying a license for the selling of beer to be consumed off the premises.

The board justified its decision by pointing out that three student riots occurred near the premises in 1970 and several demonstrations have taken place in the nearby People's Park.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

Date: 4/4/72
Edition: 8 Star
Author:
Editor:
Title:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-1564-931

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SERIALIZED FILED
1 APR 5 1972
FBI - LOS ANGELES
ROR Richard [initials]

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Sirhan Sirhan's appeal of his first degree murder conviction for the slaying of Sen. Robert F. Kennedy will be argued before the state Supreme Court today at its Los Angeles session. Sirhan will be represented by attorney Luke McKissack and the state by Ronald M. George, deputy attorney general. Kennedy was shot to death June 5, 1968, shortly after his California presidential primary victory celebration at the Ambassador.

(Indicate page, name of newspaper, city and state.)

I-2 Los Angeles Times
Los Angeles, Calif.

Date: 4/7/72
Edition: Friday final
Author:
Editor:
Title:

Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-156-931

SEARCHED	INDEXED
SERIALIZED	FILED
APR 7 1972	
FBI - LOS ANGELES	
Ho Richards	amf

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Reduction of Sirhan 1st-Degree Murder Conviction Asked

BY DAVE SMITH

Times Staff Writer

The assassin of Robert F. Kennedy asked the California Supreme Court to reduce the first degree murder conviction of Sirhan Bishara Sirhand to second-degree murder or manslaughter.

In presenting nine points in support of Sirhan's appeal at the hearing here, Hollywood attorney Luke McKissack stressed the issue of pre-trial publicity, contending that an article in The Times on Feb. 12, 1969—after a jury had been sworn but before it was sequestered—could have prejudiced the jury in favor of a first-degree verdict.

The article dealt with an in-chamber plea-bargaining session between defense and prosecution, in which both parties agreed that if Sirhan pleaded guilty to a charge of first-degree murder, the prosecution would be satisfied with a life sentence rather than press for the death penalty.

Deal Turned Down

The agreement later failed when now-retired Superior Judge Herbert V. Walker rejected the deal, insisting that the question of penalty be left to the jury.

Then-defense attorney Grant B. Cooper moved for a mistrial at that time on the basis of The Times' report of the agreement, but after questioning each juror on knowledge of the report, Judge Walker rejected Cooper's motion.

Dep. Atty. Gen. Ronald M. George, arguing for the prosecution, defended the police search and seizure methods at the Sirhan home on the morning of June 5, 1968, hours after Kennedy was fatally shot.

(Indicate page, name of newspaper, city and state.)

II-1 Los Angeles Times
Los Angeles Calif.

Date: 4/8/72
Edition: Saturday Final
Author:
Editor:
Title:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

76-156H-932

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APR 10 1972	
FBI - LOS ANGELES	

H. O. Richards

While McKissick termed those methods a "promiscuous" violation of due process, George cited a police "emergency doctrine" that was in force after the shooting because of the stature of Kennedy.

George said Sirhan's older brother, Adel, had voluntarily gone to the police to identify his brother, had given consent for the search, had been informed of his right not to cooperate and had waived it. George said police were given no reason at the time not to believe that they might be dealing with a conspiracy of several persons, perhaps directed at others besides Kennedy, considering the political turmoil of foregoing months.

Referring to the Supreme Court's Feb. 18 decision abolishing California's death penalty, George said:

"This political assassin has already been spared his life, though his mark on history can never be erased. I ask this court to affirm the judgment and write the final chapter in Sirhan's inexhaustible quest for reversal."

The court took the arguments under submission.

Sirhan was not present for the proceedings. Of his immediate family, one brother, Munir, 23, attended. He made no comment.

(Mount Clipping in Space Below)

Drama Seen Ebbing in Sirhan Case

By Marlene Adler

The courtroom was packed Friday and tempers sufficiently raised, but the true drama in the case of Sirhan Bishara Sirhan was actually long over.

Reporters and spectators crowded in to hear attorney Luke McKissack argue for a mistrial before the seven justices of the California Supreme Court in the case of the convicted assassin of Senator Robert F. Kennedy.

But despite the still-chilling references to the late Senator, and the verbal flashbacks to the California presidential primary of June, 1968, the high tide of emotion regarding this case had been emptied a few weeks ago.

Sirhan, convicted of the murder in April, 1969, is no longer fighting for his life, as a result of the Supreme Court's recent decision declaring the death penalty unconstitutional.

Perhaps because of their previous decision, few of the seven justices asked questions of McKissack when he argued the motion for mistrial based on illegal search and seizure, and diminished capacity.

McKissack's major point was that the police in Pasadena failed to obtain a search warrant before

searching the Sirhan residence where they subsequently found an envelope with the words "RFK must die."

He also urged a mistrial based on prejudicial publicity apparently within the reach of an unsequestered jury during the weekend of Feb. 12, 1969.

Deputy Attorney General Ronald George argued, however, that the police did not have sufficient time to obtain a search warrant. Police had the duty, George asserted, to check out all leads on possible co-conspirators in the assassination plot.

Given the frenzied series of events after the Senator was shot, and also given the traumatic effect of the assassination of Rev. Martin Luther King, shortly before, there was ample reason, George stated, for the police to act quickly to check out if Sirhan had acted alone.

The Sirhan case review is based on the automatic appeal provision for all cases in which the defendant is sentenced to death.

(Indicate page, name of newspaper, city and state.)

Page 1
Los Angeles Daily
Journal (legal paper)
Los Angeles, Calif.

Date: 4-10-72
Edition:
Author: Marlene Adler
Editor:
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56-156H-933

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A. O. Richards	

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Mrs. Sirhan Elated at Ban On Penalty

Mrs. Mary Sirhan, mother of the man who assassinated Sen. Robert F. Kennedy in 1968, contended today that this nation went into the lead in world justice when the U.S. Supreme Court ruled the death penalty unconstitutional.

"We have stepped into the light," said the mother of slim, dark-haired Arab immigrant Sirhan Bishara Sirhan.

"Now we are not only in the lead in the trip to the moon but in justice as well," she continued. "The whole world will look up to us."

The woman's son had been sentenced to die in California's gas chamber at San Quentin prison after his conviction for shooting Kennedy to death. Although his conviction was recently upheld, the California Supreme Court changed his death sentence to life in prison because the high state court earlier struck down the state death penalty.

Mrs. Sirhan's first reaction to the U.S. Supreme Court ruling was "that is really great . . . I think it's the greatest thing in my life to hear."

(Indicate page, name of newspaper, city and state.)

A-2 Herald Examiner
Los Angeles, Calif.

Date: 6/29/72
Edition: 8 Star
Author:
Editor:
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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-156-934

SEARCHED	INDEXED
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JUN 30 1972	
FBI - LOS ANGELES	

Bo Richards

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The mother of Sirhan B. Sirhan, assassin of Sen. Robert F. Kennedy, had a complaint issued in Pasadena charging another son with malicious mischief and disturbing the peace. Mrs. Mary Sirhan accused her eldest son, Saidallah, 40, with threatening to burn down her home with her in it. She said he also threw a piece of ~~metal~~ through a window ~~of the~~ house and tore off a screen door.

(Indicate page, name of newspaper, city and state.)

I-2 Los Angeles Times
Los Angeles, Calif.

Date: 7/25/72
Edition: Tuesday final
Author:
Editor:
Title:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-156-935

SEARCHED	INDEXED
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Sirhan Asks High Court to Review Case

WASHINGTON (AP) — Sirhan Bishara Sirhan appealed Wednesday to the Supreme Court to review his conviction of murdering Robert F. Kennedy.

Lawyers for the Arab immigrant said a team of psychiatrists, physicians, physicists and others have uncovered "significant physical evidence" that Sirhan did not fire the bullet on June 5, 1968, at the Ambassador in Los Angeles that killed the New York senator.

Sirhan was convicted in April, 1969, of murder and five counts of assault to commit murder in the Kennedy shooting. His death sentence was reduced this year to life in prison after the California Supreme Court declared capital punishment unconstitutional.

Sirhan's appeal was prepared by two Los Angeles lawyers, Roger S. Hanson and George R. Milam.

Laws 'Strained'

They suggested California appellate judges had strained the laws of search and seizure to uphold the conviction because of Kennedy's national importance.

"It is evident," said the petition, "that few members of any appellate tribunal would care to be on record in reversing the conviction of a non-descript Arab immigrant who was convicted of assassinating Sen. Robert F. Kennedy, who undoubtedly was at the threshold of his pinnacle of political achievement—the Democratic nomination for President of the United States, and with an excellent chance to become the nation's chief executive."

"In view of this, it is recognizable that appellate review strains to alter the laws of search and seizure to preserve the conviction."

(Indicate page, name of newspaper, city and state.)

I-11 Los Angeles Times
Los Angeles, Calif.

Date: 10/26/72
Edition: Thursday final
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Editor:
Title:

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Classification:
Submitting Office: Los Angeles
☐ Being Investigated

56-156-H-936

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H. R. [Signature]	

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Bureau

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Sirhan Files Plea in U.S. Supreme Court

WASHINGTON (AP) — Sirhan Bishara Sirhan appealed Wednesday to the Supreme Court to review his conviction of murdering Robert F. Kennedy.

Lawyers for the Arab immigrant said a team of psychiatrists, physicians, psychologists and others have uncovered "significant physical evidence" that Sirhan did not fire the bullet on June 5, 1968, at the Hotel Ambassador in Los Angeles that killed the New York senator.

Sirhan was convicted in April 1969 of murder and five counts of assault to commit murder in the Kennedy shooting. His death sentence was reduced this year to life in prison after the California Supreme Court declared capital punishment to be unconstitutional.

Sirhan's appeal was prepared by two Los Angeles lawyers, Roger S. Hanson and George R. Milamn. They suggested California appellate judges had strained the laws of search and seizure to uphold the conviction because of Kennedy's national importance.

"It is evident," said the petition, "that few members of any appellate tribunal would care to be on record in reversing the conviction of a nondescript Arab immigrant who was convicted of assassinating Sen. Robert F. Kennedy, who undoubtedly was at the threshold of his pinnacle of political achievement—the Democratic nomination for president of the United States, and with an excellent chance to become the nation's chief executive."

"In view of this, it is recognizable that appellate review strains to alter the laws of search and seizure to preserve the conviction."

Kennedy was shot just after winning the California Democratic presidential primary.

Sirhan's lawyers raised a dozen challenges to the conviction in trying to win a new trial for their 28-year-old client. Mainly, they complained about the way police searched his mother's home without a warrant.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

Date: 10/25/72
Edition: Wednesday 8 Star
Author:
Editor:
Title:

Character:
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Classification:
Submitting Office: Los Angeles
☐ Being Investigated

56-156-H-931

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 26 1972	
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For Richards

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Say Sirhan Didn't Fire Fatal Shot

WASHINGTON (UPI) —Lawyers for Sirhan B. Sirhan told the Supreme Court Wednesday "significant physical evidence" showed that Sirhan did not fire the bullet which killed Sen. Robert F. Kennedy.

The lawyers said they are heading up "a team of psychiatrists, criminalists, forensic physicians, and engineering physicists, which have uncovered significant physical evidence which points to (Sirhan's) non-firing of the fatal bullet."

The lawyers, Roger S. Hanson and George R. Milman of Beverly Hills, said they recognized the fact that their comments were outside the record in the case but said they were proffered "in partial explanation of an otherwise unchallenged contention (Sirhan) was the sole assassin of the senator."

An appeal was filed on behalf of Sirhan asking review of a California Supreme Court judgment of July 26 affirming his murder conviction.

Kennedy was assassinated on June 5, 1968, following a victory in the Democratic presidential primary in California. The shooting took place in a kitchen area of the Hotel Ambassador in Los Angeles.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

Date: 10/26/72
Edition: Thursday final
Author:
Editor:
Title:

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☐ Being Investigated

56-156-H-938

SEARCHED	INDEXED
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H. K. Richards	

The appeal conceded that Sirhan "was captured at the scene wielding a still smoking gun." But it said psychiatrists "drummed into his mind that he was guilty, although strong evidence indicated a mental block precluding recollection of committing the crime."

The lawyers said they are preparing to place their new evidence before the California Supreme Court.

The lawyers accused the California Supreme Court of inventing a way to get around U.S. Supreme Court standards in order to uphold the conviction.

Sirhan originally was sentenced to death in the gas chamber, but after the California Supreme Court abolished capital punishment in that state the sentence was modified to life. State authorities have said he would become eligible to be considered for parole after seven years.

(Mount Clipping in Space Below)

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Kennedy was assassinated on June 5, 1968, following a victory in the Democratic presidential primary in California. The shooting took place in a kitchen area of the Hotel Ambassador in Los Angeles.

(Indicate page, name of newspaper, city and state.)

A-3 Herald Examiner
Los Angeles, Calif.

Date: 10/26/72
Edition: Thursday latest
Author:
Editor:
Title:

Character:
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Classification:
Submitting Office: Los Angeles
☐ Being Investigated

56-156-H-939

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SERIALIZED	FILED
OCT 26 1972	
FBI - LOS ANGELES	
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The appeal conceded that Sirhan was captured at the scene wielding a still smoking gun." But it said psychiatrists "drummed into his mind that he was guilty, although strong evidence indicated a mental block precluding recollection of committing the crime."

The lawyers said they are preparing to place their new evidence before the California Supreme Court.

The lawyers accused the California Supreme Court of inventing a way to get around U.S. Supreme Court standards in order to uphold the conviction.

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(Mount Clipping in Space Below)

Parole Hearing for Sirhan Scheduled

SACRAMENTO (AP) — A parole hearing for Sirhan B. Sirhan, the man convicted of assassinating Sen. Robert F. Kennedy, is scheduled for next week at San Quentin Prison, a California Adult Authority official said Thursday.

Sirhan had been sentenced to die in the gas chamber, but the California Supreme Court decision last Feb. 18 outlawing capital punishment in the state reduced that to life imprisonment — meaning a minimum of seven years.

Joseph A. Spangler, administrative officer for the nine-member Adult Authority board, said Sirhan's parole hearing is one of about 100 hearings—including three other former Death Row inmates—that will be conducted at the prison beginning next Monday.

The 28-year-old Sirhan has been at Quentin since May, 1969, after being convicted of shooting Kennedy to death in the Ambassador Hotel in Los Angeles in June, 1968.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

Date: 11/17/72
Edition: Friday final
Author:
Editor:
Title:

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Submitting Office: Los Angeles

☐ Being Investigated

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Spangler said the other former Death Row inmates who will have parole hearings next week are Nathan Elmont Eli, convicted of stabbing a 24-year-old woman to death in San Diego County; Dorman Fred Talbot Jr., sentenced to die for the stabbing-beating death of a Ventura County robbery victim; and Willie Curtis Miller, condemned for murdering an 8-year-old girl in Sacramento.

Since the Supreme Court decision, parole hearings have been held for four other ex-Death Row occupants, Spangler said. In all cases the parole board—the same as the Adult Authority board—refused to grant parole, he added.

Similar hearings are scheduled for the next three months for nine other former condemned men, he said.

Such hearings are in line with a board policy adopted last March that parole sessions for state convicts be conducted within a year from confinement—when practical.

The state court decision lifted the death penalty from a total of 105 men and five women convicted of murdering a total of 165 people. Besides Sirhan, the list includes Charles Manson and four members of his "family" convicted of killing actress Sharon Tate and six other persons.

(Mount Clipping in Space Below)

Sirhan Skips Parole Board Appearance

Would Be Waste of Time, Prison Authorities Told

Exclusive to The Times from a Staff Writer

SAN FRANCISCO — Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy, declined to make his scheduled appearance before a parole hearing panel Tuesday at San Quentin.

A prison spokesman said Sirhan had told authorities that an appearance would be a "waste of time" because he would not be eligible for parole until May, 1976.

Meanwhile, the two-member panel referred to the full eight-member adult authority the case of Robert Wesley Wells, 63. Sentenced to die for assault on a prison guard, Wells was the subject of a celebrated clemency campaign in the 1950s.

His sentence was reduced by Gov. Goodwin J. Knight to life imprisonment without parole. The authority could recommend that his sentence be reduced to simply life imprisonment, making him eventually eligible for parole. But only Gov. Reagan is empowered to order the sentence reduced.

(Indicate page, name of newspaper, city and state.)

I-3 Los Angeles Times
Los Angeles, Calif.

Date: 11/22/72
Edition: Wednesday final
Author:
Editor: William F. Thomas
Title:

Character:

or

Classification:

Submitting Office: Los Angeles

☐ Being Investigated

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SERIALIZED.....	FILED.....
NOV 22 1972	
FBI - LOS ANGELES	

W. D. Richardson

(Mount Clipping in Space Below)

2 Issues**Argued in
RFK Death**

WASHINGTON (AP) —

The Supreme Court today declined to review the conviction of Sirhan Bishara Sirhan for the murder of Sen. Robert F. Kennedy.

Sirhan's lawyers claimed in an appeal that police had searched his mother's home unconstitutionally after the 1968 shooting and that there was new evidence he did not fire the fatal bullet.

The court rejected the appeal 7-0 without comment. Sirhan is serving a life sentence. He initially was condemned to execution but was resented after the California Supreme Court outlawed capital punishment.

At San Quentin Prison, spokesman Lee DeBord said Sirhan had "no reaction at all" when told of the high court's decision.

"He has not been one to react to much of anything," DeBord said. "When it comes to legal moves like this he's generally very placid."

Kennedy was slain June 5, 1968, at the Hotel Ambassador in Los Angeles after winning the state's Democratic presidential primary.

Following the shooting, police searched Sirhan's bedroom in his mother's home in Pasadena without a warrant. They recovered notebooks containing an entry, "RFK Must Die," and used them at the 1969 trial.

In response to the appeal, California state officials said the state Supreme Court had ruled correctly that emergency circumstances justified the search without a warrant.

(Indicate page, name of newspaper, city and state.)

A-1 Herald Examiner
Los Angeles, Calif.

Date: 2/20/73
Edition: Tuesday 8 Star
Author:
Editor: Donald Goodenow
Title:

Character:

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Classification:

Submitting Office: Los Angeles

☐ Being Investigated

56-46H-942

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FEB 21 1973	
FBI - LOS ANGELES	

As Richards

"Police were legitimately concerned with ascertaining immediately whether co-conspirators in the shooting of Sen. Kennedy were at large and, if so, whether the attack was just the first one of a series of planned assassinations of presidential candidates or other high government officials," the state said.

Sirhan's lawyers, in trying to win a new trial for the 28-year-old Sirhan, claimed also that a team of psychiatrists, physicians, physicists and others had uncovered "significant physical evidence" that Sirhan did not fire the fatal bullet.

The state replied that "unfortunately this new evidence was not presented to the California Supreme Court and is not in the record on appeal. In review of a judgment of a state court, this court is bound by the record on which that judgment is based."

The high court said simply that it was denying Sirhan's petition for a hearing.

In other actions today, the court:

- Agreed to review a ruling that it is unconstitutional to deny food stamps to households with dependent college students.

- Rejected consumer advocate Ralph Nader's bid to reopen the ITT-Hartford Insurance Co., antitrust case that raised a furore over alleged political influence last year.

- Turned down an appeal by the Memphis, Tenn., school board for review of a desegregation plan involving the busing of some 14,000 students.

- Declined to review a lower court decision which curbed the power of politicians to fire state employees because of their politics.

(Mount Clipping in Space Below)

High Court Asked to Reopen Sirhan Probe

Lawyer Says False Testimony Led to Conviction for Killing Robert Kennedy

BY WILLIAM FARR

Time

(Indicate page, name of newspaper, city and state.)

I-3 LOS ANGELES TIMES
LOS ANGELES, CA

The state Supreme Court was asked Monday to reopen investigation into the assassination of Sen. Robert F. Kennedy in a petition filed by the attorney for Sirhan Bishara Sirhan, convicted of the slaying almost six years ago.

Beverly Hills lawyer Godfrey Isaac maintained in the petition that Sirhan was wrongly convicted by false ballistic testimony given by police criminalist DeWayne Wolf.

The petition contains a "second gun" theory and seeks to have the state's highest court order the firing of Sirhan's .22-caliber pistol in an effort to clear up questions that have arisen about the ballistics.

Informed that the petition had been filed with the Supreme Court in Los Angeles, Dist. Atty. Joseph P. Busch said:

"Now the issue is before the proper forum instead of being a topic of a TV talk show or some politician's public hearing. If the court decides that there is good cause to reopen the case and test the weapon, I will fully cooperate."

Busch previously had rejected suggestions by several persons, including County Supervisor Baxter Ward and former New York Congressman Alldard K. Lowenstein, that the district attorney's office volunteer to test the Sirhan weapon.

Busch and Isaac agreed that state Supreme Court justices will give the matter serious consideration.

"I can't predict they will grant a hearing but I'm satisfied they will do what is right," Isaac said, "because this is one of the country's finest appellate courts."

Date: 1/14/75
Edition: Tuesday Final
Author: William Farr
Editor: William F. Thomas
Title: KENSALT

Character:

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Classification: LA-56-156*

Submitting Office Los Angeles

☒ Being Investigated

56-156 H943

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Busch *[Signature]*

Isaac said he discussed the new legal action with Sirhan last Friday at San Quentin Prison. Describing his meeting with Sirhan, Isaac said:

"He was excited and happy about the petition and was hopeful that a hearing will be granted to definitely determine whether or not he was the one who shot and killed Sen. Kennedy."

The defense lawyer added, "If Sirhan had some recollection of the events, it would be helpful, but he has no such recollection."

Isaac filed a petition for writ of habeas corpus seeking Sirhan's release and a companion petition for error coram vobis, which is a request for the high court to consider evidence beyond the trial record.

Both criminologist Wolfer and the district attorney's office were criticized in the 55-page brief filed by Isaac.

Isaac, in summarizing grounds for the petitions, stated:

"Evidence that tended to show that Sen. Robert F. Kennedy was not killed by the bullet from Sirhan's gun was deliberately, intentionally, and willingly suppressed by the prosecution and their agents."

It is asserted in the petition that outside ballistic experts have determined that the bullet taken from the senator's body substantially differs from one removed from William Weisel, an ABC-TV newsmen, who was also shot in a pantry of the Ambassador.

The petition maintains that trial evidence which led to Sirhan's April 17, 1969, conviction for first-degree murder showed that there were five grooves on the bullet taken from Kennedy but that bullets purchased by Sirhan had six grooves.

Isaac cited affidavits by William W. Harper, a Pasadena criminalist, and Herbert L. MacDonnell, director of the Laboratory of Forensic Science in Corning, N.Y., supporting this contention.

Much of the evidence contained in the exhibits filed with the petition was developed through the efforts of freelance investigative reporter Theodore Sharach, who along with photojournalist Gerard Alcan has produced a movie entitled "The Second Gun."

The petition specifically mentioned that there was cause to suspect that

security guard Thane Eugene Cesar may have fired his
weapon and hit the senator. Cesar, who could not be
reached for comment, was accompanying the senator
through the hotel pantry area when the June 4, 1968, at-
tack occurred.

Wolfer was the target of a separate legal action filed
Monday in the state Court of Appeal here. Former Dep.
Dist. Atty. Jack Kirschke's attorneys, Roger Hanson and
Griffith Thomas, charged that Kirschke was convicted of
killing his wife and her lover in 1967 through the perjured
testimony of Wolfer.

(Mount Clipping in Space Below)

Convicted assassin Sirhan B. Sirhan's attorney said he will ask the state Supreme Court Monday to reopen the investigation into the death of Sen. Robert F. Kennedy in June, 1968. Attorney Godfrey Isaac, claiming he has new evidence, said he talked with Sirhan at San Quentin last week and described Sirhan as excited and happy at the prospect of a new probe. The request reportedly is based on the claims of some ballistics experts who contend that a second gun might have been used in the slaying of Kennedy.

(Indicate page, name of newspaper, city and state.)

I-2 LOS ANGELES TIMES
LOS ANGELES, CA

Date: 1/12/75
Edition: Sunday Home
Author:
Editor: William F. Thomas
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(Mount Clipping in Space Below)

Evidence Hearing Asked for Sirhan

The California Supreme Court has been asked to order a new-evidence hearing or the freeing of Sirhan B. Sirhan, convicted assassin of Sen. Robert F. Kennedy.

The petition, filed here yesterday by Beverly Hills attorney Godfrey Isaac, also seeks naming of a special master to hear new evidence.

The petition is based on a "second gun-second gunman" theory of the slaying as advanced by author-journalist Theodore Charach.

The petition further charges that evidence was intentionally suppressed by the district attorney's office during Sirhan's trial for the slaying of Kennedy in the Ambassador here in 1968.

Charach's investigation of the incident purportedly turned up a part-time security guard who witnesses—not called at the trial — stated was firing his weapon at the time Kennedy was shot in the hotel pantry.

Also questioned are the disputed ballistic studies of Los Angeles police criminalist De Wayne Wolfer, which prompted a probe of possible evidence tampering two years ago.

(Indicate page, name of newspaper, city and state.)

A-3 HERALD EXAMINER
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Editor: Donald Goodenow
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Supervisors Back Sirhan Case Probe

Vote to Support Suit for New Look at Gun Evidence in Sen. Kennedy Slaying

BY SID BERNSTEIN
Times Staff Writer

The Los Angeles County Board of Supervisors voted unanimously Tuesday to intervene in support of a lawsuit seeking a reexamination of the ballistics evidence presented at the trial of Sirhan Sirhan for the assassination of Sen.

(Indicate page, name of
newspaper, city and state.)

II-1 LOS ANGELES TIMES
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Date: 8-13-75
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Robert F. Kennedy.

The supervisors ordered County courts." Howard said, "but with the Counsel John Larson to join Paul proper rules of evidence." By instructing Larson to support Schrade in his petition to Superior Court for the right to examine the Schrade's court petition, the board, in gun, ballistics records and other effect, is asking the court for a re-firing of the Sirhan pistol, a microscopic forensic evidence.

Schrade, a former auto union executive, was wounded at the time of bullet fragments and an examination of rephotographed ballistic exhibits at the Ambassador Hotel. by a forensic expert.

Schrade's petition contended that only by testing Sirhan's gun and the bullets entered into evidence will it ever be possible to determine whether only one gun or more than one gun was fired when Kennedy was shot down, and Schrade and four other persons were wounded. This reexamination, Ward contended, is needed to answer a growing public doubt surrounding the Kennedy assassination.

Schrade is supported in his contention, Supervisor Ed Edelman pointed out, by a special committee of the American Academy of Forensic Sciences. The forensic experts asked that the case be reopened to look into what they believe are apparent discrepancies in the ballistics evidence. Board Chairman James A. Hayes urged caution in reopening the case, but he called for the intervention by county government.

"I think this whole subject has been kicked around for several years now," Hayes said. "If it could be openly reassessed in some proper form, it would be in the best interest of the public."

The board also requested acting Dist. Atty. John Howard to intervene in the Schrade case or seek the appointment by the state Supreme Court of a special master to reopen the controversial assassination case.

Howard said he intended to take a proper posture in the Schrade suit and on a similar petition filed Tuesday by the Columbia Broadcasting System.

He emphasized, however, that his main concern was obtaining a proper judicial forum for examining the complex and controversial assassination case. That route, he told the board, appears to lie in a suit similar to Schrade's or by a high court appointing a special master for a more thorough reopening of the case.

Supervisor Baxter Ward, who introduced the motion for support of Schrade, charged that Howard, as prosecutor in the Sirhan case, was more interested in protecting the prosecution record than in pursuing a reopening of the assassination.

Howard denied either conflict of interest or a reluctance to enter the case. He said he and the late Dist. Atty. Joseph Busch were considering methods of taking the Kennedy assassination to court just before Busch's death.

(Mount Clipping in Space Below)

Judge Orders Retesting of Gun Used by Sirhan

BY WILLIAM FARR
Times Staff Writer

Retesting Sirhan Sirhan's gun and reexamination of bullet evidence in his 1968 trial were ordered Thursday in an effort to resolve doubts about the assassination of Robert F. Kennedy.

Robert F. Wenke, presiding judge of the Superior Court, issued the order at a hearing that required less than five minutes to complete.

The order was granted on petitions filed by CBS and Paul Schrade, one of the five persons wounded in the pantry of the Ambassador the night Kennedy was mortally wounded.

After the brief hearing, Schrade told reporters:

"It's a great victory because it opens up the possibility of finding out the truth in this case. There are very serious errors and gaps in the original testing by the Los Angeles police crime lab.

"Some of the evidence is missing and we've got to find out the answers to these questions if we are ever going to find out if there was another gunman in the room that night."

A key question in the controversy is whether the bullet that struck Kennedy in the neck was fired from the same gun as the bullet that hit bystander William Weisel.

A special committee of the American Academy of Forensic Sciences recently reported that there were "distinct differences" between the two bullets and recommended reexamination of the original evidence. Wenke made his ruling after asking a battery of 13 attorneys, representing all sides in the case, whether any of them opposed retesting. No opposition was voiced.

Attorney Barry M. Gold, who appeared on Sirhan's behalf, said he thought the retesting was "in Sirhan's best interest."

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Beverly Hills attorney Thomas Kranz, who just a few hours earlier had been appointed by Acting Dist. Atty. John Howard to serve as special counsel on the Sirhan matter, joined in the retesting motion made by CBS and Schrade.

But outside the courtroom, Kranz, who once worked as an advance man in Kennedy's political campaign

the case could come to a mutual agreement on selection of experts and procedures.

Informed of Wenke's action, Howard, one of the prosecutors in Sirhan's trial, released the following statement:

"We are pleased by the result of the hearing today. It will hopefully result in a proper legal approach to this most sensitive issue of reexamining the ballistics evidence in the Sirhan case . . . our continuing goal is to restore public confidence in the judicial procedures surrounding the Sirhan case and establish the truth."

suggested that Wenke's filing did not constitute reopening of the case.

"It is at this stage only the reexamining the ballistics, gun and bullet evidence that could perhaps shed light on factual differences," he said.

After ordering the retesting, Wenke instructed the attorneys to work out an agreement between themselves prior to a Sept. 11 hearing.